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ABSTRACT

There are thousands of labor-management committees for occupational safety and health in the United States. Most were established or activated after passage of the Occupational Safety and Health Act of 1970. Such committees can be an important tool when used as part of a comprehensive effort to achieve safety and health in the workplace. In the United States, labor-management committees are unlikely to have substantial authority or power. Rather, they are generally advisory in nature--usually reviewing, commenting, and making recommendations. They could play a substantial role, however. To be substantially empowered, labor-management committees would need to be represented by top-level management and well-placed union representatives who have adequate training and expertise in the field. Management representatives would also need the backing of corporate leadership. Many innovative labor-management activities are succeeding in improving the work environment. Included among them are the joint labor-management committees that exist at the Madison office of Wisconsin Bell; Horace W. Longacre, Inc., in Pennsylvania; Georgia Power's Vogtle plant; General Motors; and the Eugene (Oregon) Water and Electric Board. (Sample contract language and examples of contracts for joint labor-management safety committees are appended.) (MN)

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The Role of Labor-Management Committees in Safeguarding Worker Safety and Health

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Executive Summary

There are thousands of labor-management committees for occupational safety and health in the United States. Most were either established or activated after passage of the Occupational Safety and Health Act of 1970.

Labor-management cooperation is a goal of increasing popularity—given a high priority in many companies, among some employee groups, and by the U.S. Department of Labor. The hope is that they will be the harbinger of new and more productive relationships in an arena in which adversarial relationships have traditionally been the norm.

But, many employer and employee groups are reticent to invest time and money into joint labor-management committees. Employers may be hesitant to share any new powers with employees. Employees often feel that without real power, the committees are unlikely to experience meaningful success. In addition, some unions may be fearful that joint committees will be used by management to usurp or replace hard-won union rights and functions in the workplace. Unions may also be concerned that joint committee participation could increase their liabililty on safety and health problems at the worksite. If joint committees are to gain in power and influence, these concerns must be addressed.

Labor-management committees for occupational safety and health can be an important tool, when used as part of a comprehensive effort to achieve safety and health in the workplace. They do not relieve management of the responsibility to provide a safe and healthful workplace. Nor do they in any way substitute for a collective-bargaining agreement, if there is one in effect.

Knowing that they have a role to play, it is important to determine the potential significance of that role.

Labor-management committees for occupational safety and health in the United States are unlikely to have substantial power or authority. Occasionally a committee can stop the production line if there is imminent danger or it can "red tag" dangerous equipment. Less often does a committee have a budget—to promote safety and health activities in the plant; to develop training materials; to engage expert consultants to help resolve medical, engineering, or other technical problems; etc. The authority to hire and fire company safety and health personnel, while a task of some committees in Europe, is virtually absent in the United States.

Most often joint committees are advisory—reviewing, commenting, and making recommendations. They provide a forum for discussion. They provide the opportunity for review and comment and making recommendations. Communication of management concerns to employees and of employee concerns to management is clearly an important task—necessary, but unlikely to generate major changes in the work environment.

The role of joint committees could be substantial. To be substantially empowered, committees would need to be represented by top-level management and well-placed union representatives, with adequate training and expertise in the field. Management representatives would need to have the visible backing of corporate leadership. The union would have the backing, not only of its shop stewards and the local, but of an active union safety and health committee as well. Both would have the benefit of mutually agreed-upon expert consultants. Committee members would have full access to company records and data, not just on health and safety, but on planning, finance, and new technology as well. They would meet regularly, on paid working time, and keep formal minutes that would be shared with the work force. They would regularly inspect the facilities and would be involved in monitoring programs and accident investigations. They would have control of a budget, of hiring and firing company safety and health personnel, and of health and safety training. They would have the authority to stop the use of any imminently dangerous equipment or process. And, they would operate in an environment of mutual respect and trust.

It is easy to have a labor-management committee for occupational safety and health. It is extremely difficult to have one that can make major inroads into solving tough, long-standing dangers to worker health and safety.

Describing an ideal committee is easy. But, short of the ideal, facing the reality of labor-management relations in most workplaces and the limited experience that labor and management have in this country with cooperation, the expectations of most players are limited at best. Of the possible committee functions, which are the ones that are best-suited to cooperative resolution of occupational safety and health problems?

If there are substantial resources and commitment, one should consider the broad mandate and complex organization of the General Motors-United Auto Workers cooperative arrangement. Joint training centers and a national, as well as a local, structure are key features. There is a multi-million dollar research budget for occupational safety and health and, based on documents and speechmaking, expectations are high.

If there is a specific problem to be resolved, one might consider a specialized joint committee, such as the COLD Committee in the Madison office of Wisconsin Bell, which coexists with both a health and safety committee structure and a QWL structure. This committee is only concerned with problems associated with the use of video display terminals.

If the problem is obtaining compliance with a specific OSHA regulation, the experience of the tripartite Asarco-USWA-OSHA committee in El Paso is useful. There, an agreement was developed which gave the company longer than the OSHA deadline for compliance, but a detailed compliance program was agreed upon, one which the Steelworkers felt would provide a good chance of success. A combination of flexibility and toughness led to a creative solution.

There are scores of interesting and innovative labor-management activities that are succeeding at improving the work environment. They are clearly one important part of a comprehensive program at their workplaces. But, there is a long evolutionary process necessary before many of them can be expected to play a critical role in resolving major risks of workers to death, injury, and illness on the job.

Chapter 1

OVERVIEW

> "To meet . . . unprecedented social and economic challenges, workers and their unions, management, and government have begun to forge more cooperative and productive relationships in thousands of organizations—large and small, public and private—all across the country."[1]

One example of this type of cooperative effort is the emergence and growth of joint labor-management committees for occupational safety and health.

Labor-management committees of many varieties are growing in number and importance. Those labor-management committees which are established specifically for promoting occupational safety and health are expanding in number and importance, more than joint committees for solving any other industrial relations problem.[2] What these safety and health committees accomplish and how central they become to problem solving in the area of safety and health, depends on many factors, including what labor and management expect of the committees, on how the committees are structured and empowered, and whether or not the general environment of labor-management relations allows the committees to tackle tough issues without being encumbered by traditional adversarial relationships and mistrust.

Labor-management committees for occupational safety and health have existed in some industries for many years, most notably in steel and auto. They have experienced some successes in promoting worker safety and health—through programs of hazard notification, training, improved housekeeping, better communication between the parties, etc. They have also had some failures and been met with some resistance from each side. As the number and scope of these committees has increased in recent years, it is important to examine not only their past successes and failures, but also to ascertain how aspects of committee structure and operations have affected the scope of their achievements.

Labor-management safety and health committees are intended to anticipate potential problems and to ensure that management responds quickly when problems occur. Thousands of labor contracts throughout the United States already provide for joint safety and health committees, but many of these committees are paper tigers. They lack credibility, resources, and training and are, therefore, unable to make a substantial contribution to raising safety consciousness or improving safety conditions in the workplace.[3] Labor-management committees are fragile political entities that fail as often as they succeed. They work only when they have the full support and commitment of top management, union leaders, and rank-and-file workers. Thus, to be effective, joint labor-management committees for safety and health must have the voluntary support and commitment of these groups.[4]

With a longstanding national tradition of adversarial relations between management and labor, there will be many institutional and attitudinal barriers to overcome, if cooperation is to make strides forward and if labor-management committees are to define and then reach their full potential.

Trends in Labor-Management Relations

Labor-management relationships in the United States have been characteristically adversarial. An increasing number of participants in the process, however, are now arguing that, where possible, cooperation should be sought. Most of the new emphasis on joint labor-management committees has centered around problem solving in areas of productivity, quality control, and achieving an improved competitive position. Committees have often focused on a structure for participative management or for quality-of-work-life (QWL) programs. But, labor-management committees for occupational safety and health exist in greater numbers than labor-management committees for any other single problem area. Occupational safety and health has generally developed a separate committee structure for interaction, in part because of the unique blend of science and engineering as well as labor-management relations and economics that must be part of the process.

Moves toward promoting labor-management cooperation are accelerating and are expected to increase in the future. A 1982 Opinion Research Corporation poll of 500 "opinion leaders" showed 70 percent strongly favored a more cooperative relationship between labor and management and 50 percent expected a "significant" change in that direction within the next two to three years. Over 90 percent of the respondents cited the need for increased productivity and international competition as major factors contributing to a shift from adversarial to cooperative relationships.[5]

As of 1982, at least one-third of the Fortune 500 companies (whether with organized or unorganized work forces) had some form of participative management or

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[1]U.S. Department of Labor, Bureau of Labor-Management Relations and Cooperative Programs, "Cooperating for the Future," BLMR 112, 1987, p. 1.

[2]Occupational Safety and Health Administration, Concept Paper, "A Labor Department Research and Demonstration Program for Union-Management Safety and Health Committees," p. 2, attached to Memo from Eula Bingham to the Secretary, May 9, 1980.

[3]Dr. Kevin Sweeney, "Excerpts from Building an Effective Labor-Management Safety and Health Committee: A Practitioner's Manual," presented to 2nd National Labor-Management Conference, Washington, D.C., June 1984.

[4]OSHA concept paper....

[5]Opinion poll by Opinion Research Corporation for LTV Corporation, reported in Bureau of National Affairs, "What's New in Collective Bargaining Negotiations and Contracts," September 16, 1982, p. 4.

quality-of-work-life program in operation. These programs ranged from traditional suggestion boxes to nontraditional union involvement in areas that historically were considered the exclusive domain of management.[6] According to a June 1986 Labor Department report,[7] many of the more experimental programs began at companies in financial crisis and were tradeoffs for wage and other concessions. But, the report goes on to point out that the achievements of these programs have "proved so attractive that they have captured the attention of other firms not in financial difficulty." The threats of foreign competition have often been seen as a common challenge to both parties, allowing them to pursue the goals of competitiveness and survival together.

Efforts to promote labor-management cooperation at the national level were also recommended by a subcommittee of the President's National Productivity Advisory Committee, with Harvard Professor John Dunlop as its chair. Dunlop's group proposed "the creation of mechanisms for continuing dialogue between labor, management, and government to seek to develop a greater consensus on issues related to productivity, quality, and quality of working life."[8] The group also recommended that the Labor Department and the Federal Mediation and Conciliation Service continue providing services that "facilitate cooperative committees in both public and private sectors."

The U.S. Department of Labor has "taken a strong position in support of labor-management cooperation as an important prerequisite to America's return to preeminence in the world marketplace."[9] And Stephen Schlossberg, former Deputy Under Secretary of Labor for Labor-Management Relations, has said that commitments to labor-management cooperation "are more important to our future than tax reform or any other legislation."[10]

Labor-management endeavors are at the plant, corporate, and industrywide level. Major labor-management efforts exist in large corporations, notably steel and auto. They exist among AT&T, the Communications Workers of America (CWA), and the International Brotherhood of Electrical Workers (IBEW), as well as between Xerox and the Amalgamated Clothing and Textile Workers Union (ACTWU). The International Association of Machinists has long promoted joint committees and has hundreds of them around the country. Cooperative safety and health programs were endorsed by the 1977 convention of the Building and Construction Trades Department, AFL-CIO, and in the first eight years thereafter, 26 major construction projects established such programs. They exist in many small companies as well.

Committees are seen as so important to some that they can be major elements in strike settlements. As an example, the establishment of a joint labor-management committee for occupational safety and health was part of the formula of resolving a month-long strike between Boston Edison Company and three locals of the Utility Workers of America in mid-1986. Safety was one of the major issues precipitating the strike. Local 387's specific concern was the condition of the Prudential Building in Boston, where three-fourths of the utility's clerical employees work. The company agreed to set up a meeting within 30 days to devise a plan to install a sprinkler system in the building and to remove asbestos. The safety issue was finally resolved with the agreement by the company to set up joint labor-management safety committees that would meet monthly to attempt to deal with job safety and health concerns.[11]

The mandates to joint labor-management committees vary widely as do their structures and operating procedures. Some are provided for in collective-bargaining agreements. Most committees serve only in an advisory capacity. Some agreements mandate committees to consider any matter of mutual interest, while others specify precise problem areas to be discussed. Meetings may be held at specified intervals, periodically, or "as needed." Most seem to be established not so much for problem solving or decision making as for discussion, understanding, and avoiding misunderstanding. Most stay clear of grievance-related issues. (For examples of contract language referred to throughout the text, see Appendix.) While some participants in labor-management activities, as well as some scholars of labor-management relations, look toward labor-management committees for safety and health as important potential vehicles for resolving safety and health problems in the workplace, the major question for this paper is: What are the appropriate levels of expectation for joint committees for safety and health, and what structures and functions best serve that level of functioning? While there is no one answer for all committees, some general observations and conclusions provide useful guidance.

Trends in Labor-Management Committees for Safety and Health

Predating joint committees, there is a long history of union safety committees serving as one part of the developmental process of union work rules. There are especially strong historic roots in the mining and steel industries. These union committees have usually continued to exist when joint committees have been established.

Joint labor-management committees have existed in many industries for years, but their numbers and functions have been quite limited. In 1951, for example, of 2,411 collective-bargaining contracts surveyed by the Bureau of Labor Statistics, only 28 percent of collective-bargaining contracts that had clauses related to safety and health (and that was only 56 percent of manufacturing agreements and

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[6]Office of Economic Research, New York Stock Exchange, *People and Productivity: A Challenge to Corporate America*, November 1982, pp. 24, 40, cited in Stephen Schlossberg and Steven Fetter, "Analysis of U.S. Labor Law and Future of Labor-Management Cooperation," U.S. Department of Labor, June 1986.

[7]Schlossberg and Fetter.

[8]Reported in Bureau of National Affairs, "What's New in Collective Bargaining Negotiations and Contracts," December 23, 1982, p. 4.

[9]Ibid.

[10]Stephen Schlossberg, speaking at a conference on quality of worklife sponsored by The Center for Quality of Worklife, Washington, D.C., September 19-20, 1986, cited in Bureau of National Affairs, *Daily Labor Report*, September 30, 1985, p. A-2.

[11]"Three Utility Unions End One-Month Strike, Ratify New Agreements with Boston Edison," *Daily Labor Report*, June 16, 1986, pp. A-13-14.

40 percent of nonmanufacturing contracts) provided for joint committees.[12] Of 345 contracts, only 21 allowed the safety committee to make recommendations on safety devices; only 12 were allowed to investigate accidents; only 5 provided for the committees to be involved in educating employees on safety; only 11 were allowed to enforce compliance with safety and health laws; and only 4 were allowed to settle health and safety disputes. Most of the committees were chaired by management with more management than union members. Twenty years later, in 1971, a BLS survey of contracts covering 2,000 workers or more found approximately the same proportion of contracts, 29 percent, providing for a joint safety committee.[13]

The passage of the Occupational Safety and Health Act (OSHAct) of 1970 triggered intensified bargaining for a variety of safety and health protections. There are many examples of this phenomenon. In 1971 steel negotiations, for example, the United Steelworkers of America (USWA) enlarged the role of health and safety issues which they brought to the bargaining table. Efforts included establishing joint safety and health committees and spelling out their authority and responsibility, as well as securing union participation in accident investigations, the right of appropriate union representatives to move about the plant on paid time, and provisions for handling safety and health disputes.[14]

Since the passage of the OSHAct, the growth of labor-management committees has been significant. In its most recent study of collective-bargaining language covering joint management-union safety and health committees, the Bureau of National Affairs (BNA) found that 49 percent of the sampled contracts (for all industries) called for joint committees. Sixty-two percent of surveyed firms in manufacturing provided for joint committees, whereas only 27 percent of nonmanufacturing contracts provided for them. In construction, one of the most hazardous industries, joint committees were provided for in only 10 percent of contracts. Other industries ranged from 13 percent in printing and 22 percent in apparel to 83 percent in transportation equipment and 100 percent in rubber. Functions of these committees had grown as well, with periodic inspections of the plant provided for in 46 percent of the committees. Thirty-six percent of the committees pay for time spent on committee activities during regular work hours.[15]

The growth in contract provisions in recent years has been significant in a number of specific industries. In apparel, in 1983 only 11 percent of contracts provided for joint committees, but the percentage doubled to 22 percent by 1986.[16] During that same period, textiles doubled from 20 percent to 40 percent, and lumber more than tripled from 14 percent to 57 percent. There were also substantial gains in communications and in the maritime industry. (See Table 1.)

The roles for joint committees have expanded as well. Some contracts provide for their joint committees to make recommendations for management consideration; others actually have the responsibility to correct and prevent hazardous situations. Committee functions may include submission of monthly reports covering suggestions and recommendations as to safety appliances, equipment, clothing, rules, and practices; study of safety performance

Table 1

Percentage of Collective-Bargaining Contracts with Provisions for Labor-Management Safety Committees

1983 & 1986
(Frequency Expressed as Percentage of Industry Contracts)

	1983	1986
ALL INDUSTRIES	45%	49%
MANUFACTURING	57	62
Apparel	11	22
Chemicals	75	75
Electrical Machinery	30	40
Fabricated Metals	68	68
Food	52	52
Furniture	50	33
Leather	50	53
Lumber	14	57
Machinery	56	68
Paper	50	43
Petroleum	71	71
Primary Metals	84	88
Printing	13	13
Rubber	100	100
Stone, Clay & Glass	62	62
Textiles	20	40
Transportation Equipment	77	83
NONMANUFACTURING	26	27
Communications	40	50
Construction	10	10
Insurance & Finance	—	—
Maritime	38	50
Mining	83	83
Retail	4	4
Services	22	22
Transportation	32	32
Utilities	50	50

Source: Bureau of National Affairs.

[12]Bureau of Labor Statistics, *Labor-Management Contract Provisions, 1949-1950: Prevalence and Characteristics of Selected Collective Bargaining Clauses, Bulletin Number 1022, 1951.*

[13]Bureau of Labor Statistics, *Characteristics of Agreements Covering 2,000 Workers or More*, Bulletin 1729, 1972.

[14]Bureau of National Affairs, "What's New in Collective Bargaining Negotiations and Contracts," November 23, 1972, p. 4.

[15]Bureau of National Affairs, "Working Conditions and Safety," *Collective Bargaining Negotiations and Contracts*, No. 1067, April 24, 1986, 95:2, pp. 170,172.

[16]Ibid. and BNA, "Working Conditions and Safety," *Collective Bargaining Negotiations and Contracts*, No. 991, p. 140.

and recommendations for plantwide programs and standards; investigation of serious accidents, injuries, working conditions, and practices; conferring with the safety director; making inspections; undertaking investigations; offering suggestions; and/or shutting down unsafe machinery.

The Growing Importance of Occupational Safety and Health Issues

Technological change has brought about some improvements in workplace safety and health, but it has also created some new safety and health risks. While medical research has helped to solve some occupational safety and health problems, it has uncovered and documented others.

Many events and activities have contributed to the increased number of activities by workers and their employers toward improving workplace conditions. The growing number of labor-management committees for safety and health is one such activity.

The challenge to government and to employers and employees is to find those methods which most constructively and effectively promote improved worker safety and health with the least disruption to production, capital investment, and marketplace competition. One avenue for cooperative rather than adversarial action may be joint labor-management committees for occupational safety and health.

What Can Reasonably Be Expected of Joint Labor-Management Committees for Occupational Safety and Health?

Joint labor-management committees cannot be expected to resolve all occupational safety and health problems in the workplace, at least not as they are currently structured and empowered. Should efforts focus on advice giving, oversight, or implementation? What then should they attempt to accomplish — training? improved housekeeping? compliance with company policies and government regulations? decisions on capital investment for improved safety and health? hiring and firing of corporate safety and health professionals? These are fundamental questions to be answered as a department, plant, company, or industry structures joint committees.

Some would argue that joint committees should limit their activities to improving communication and serving in an advisory position to management; others would argue that joint committees should be empowered to make decisions, resolve disputes, investigate accidents, inspect workplaces, hire and fire safety and health professionals, pass on changes in working conditions such as new technology or new job design. And, then, there are a range of important but less financial and contentious issues over which joint committees could have jurisdiction: clean lunch rooms with refrigerators for storing meals brought from home, showers and laundry facilities to assure that toxic substances do not "go home" with workers, choices of colors for paint or music for background that improve morale and milieu. Perhaps the hygiene of lunchrooms rather than the hygiene of the shop floor, the choice of paint colors rather than the choice of specific equipment, are domains in which joint committees can operate efficiently. These are areas of relatively small capital investment, for which consensus is a relatively easy accomplishment.

But, if these committees are to function effectively, their mandates, the scope of their powers, and their limitations need to be clearly established. Function is established through clear enunciation of committee rights and responsibilities; it is established through actual practice; it is also established through structure. A joint committee with unequal representation by management and labor, or with infrequent meetings, or with members that have no line authority outside the committee, or that does not provide pay for members who do committee work during working hours is less likely to have the capability of making contributions which will have a major effect on correcting safety and health hazards in the workplace.

Chapter 2

The Structure of Labor-Management Committees for Safety and Health

Labor-management committees have many possible structures. In the complex field of industrial relations, the history of negotiated conflict has deep roots and a number of time-tested traditions. What has worked in one industry may or may not be applicable in another. Techniques for resolving wage issues are likely to vary from forums for discussing proposals to improve plant productivity, the possibility of a plant closing, or abatement of health and safety hazards. Within the general framework of any proposed organizational structure for labor-management committees is the need for sensitivity to the specific adaptations that may be required when dealing with a specific industry, the size of plant, or a problem for labor-management resolution. Labor-management committees for safety and health, while needing to fit into a framework for joint committees generally, may also require structures and prerequisites unique to health and safety.

As labor-management committees for safety and health grow in number and scope of activities, it is important to review how various structures either aid or deter safety and health efforts. Four basic elements of structure are reviewed here: committee composition, meeting schedules, rules governing the minutes of meetings, and arrangements for compensation to members for their committee work. Examples in each of these areas can be found in the Appendix.

Committee Composition

Committees vary greatly in their size, their ratio of labor to management members, the roles of committee members outside the committee, how members are selected, who chairs the committee, and at what level within the plant or company the committee exists. While decisions in these areas may seem mundane, they are important in establishing the milieu in which labor and management representatives operate as well as influencing the actual decisions and activities of the committees.

Size of Committee. The size of labor-management committees varies widely. A 1983 survey by the Bureau of National Affairs of collective-bargaining contract language on committee size shows the size of committees to range usually from six to 16.[1] But, there are many other sizes as well. Local joint committees in the auto industry, for example, have two members, one representative from the company and one from the union. The National Joint Committee between General Motors and the United Auto Workers has four members, two from each side.

Sometimes the overall size of the committee is left undetermined, or the number of representatives for one of the two sides is left unestablished.

Ratio of Labor to Management Members. In a growing number of collective-bargaining agreements, committee membership consists of equal numbers of labor and management representatives. This is seen as providing the biggest opportunity for cooperative activities to emerge and is a change from past decades when management representatives nearly always predominated. In most contracts of the rubber, auto, and steel industries, equal numbers of members on both sides are mandated and the specific numbers are determined.

Sometimes the ratio is established as equal, but the exact number of members on each side is left unspecified. Sometimes the ratio is left undetermined.

Guidelines developed by the Institute of Industrial Relations at the University of California at Berkeley urged equal representation.[2] Guidelines developed in the early 1980s by the then Food and Beverage Trades Department of the AFL-CIO[3] urged member unions to insist on an equal number of labor and management representatives on joint committees.

In Sweden, unions have one more representative than management on joint committees for occupational safety and health.

Roles of Committee Members Outside the Committee. Who represents management and who represents labor on a joint committee obviously can have a major impact on what a committee may reasonably be expected to accomplish. Sometimes management representatives are from the employee relations department of a company; sometimes they include line foremen; most often, at least some are from a company's safety department or safety staff. Union members may include safety stewards, shop stewards, business agents, union-elected officials, or union specialists in occupational safety and health. Because there is a great deal of specialized engineering and health science involved in safety and health issues, many committees have found that at least some members of the committee should have technical skills. In the current GM-UAW contract, for example, the national committee for joint labor-management work in occupational safety and health provides for two members from each side, with each party having "at least one (1) member who has professional training in industrial hygiene or safety."

Permanent members of joint committees, by reason of their labor or management positions, are sometimes mandated in a collective-bargaining agreement. The contract between General Tire and the Rubber Workers, for example,

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[1] Bureau of National Affairs, "Working Conditions and Safety," No. 995, 95:181, *Collective Bargaining: Negotiations and Contracts, Contract Clause Finder, Basic Patterns in Union Contracts*, July 21, 1983, pp. 47-48.

[2] Paul Chown, Labor Occupational Health Program, Center for Labor Education and Research, Institute of Industrial Relations, University of California, Berkeley, "Workplace Health and Safety: A Guide to Collective Bargaining," 1980, p. 64.

[3] Food and Beverage Trades Department, AFL-CIO, "Combating Hazards on the Job: A Worker's Guide," p. 28.

included the chairperson of the union grievance committee and the company safety supervisor as two of the eight committee members. The contract between Providence Gas and the Steelworkers specifically identified the company's safety director as one of the management representatives. Guidelines developed by the then Food and Beverage Trades Department of the AFL-CIO in the early 1980s suggested to member unions that contract language provide for the company's health and safety staff to serve on the joint committee.[4]

Membership may also be established to assure that relevant groups are represented on the committee. On sites with several unions represented, some contracts will require that labor representatives include someone from each union at the site. Others may require representation of workers from specific shifts.

How Members Are Selected. Management members of joint committees are usually either appointed, or they serve by virtue of their management positions, e.g., the safety director. Union members may serve by virtue of their union positions, e.g., grievance chair; be elected by the membership; appointed by union leadership; elected or appointed by the union but approved by management; "recognized by the company on written notification by the union"; or appointed by management. In unorganized plants, worker representatives are usually appointed by management, sometimes after a call for volunteers. Sometimes it is left to each side to determine the manner in which its representatives are selected. There may be requirements such as a minimum tenure in employment. A contract between Norfolk Shipbuiding and the Boilermakers, for example, required that employees "appointed by the Union shall be selected from those who have worked there a minimum of one year."

Many unions feel that their right to select their representatives is critical in the process of establishing good will and trust within the committee as well as between the committee and the union membership. Guidelines developed by the then Food and Beverage Trades Department of the AFL-CIO in the early 1980s urged that unions have the sole right to appoint their representatives to joint committees.[5] Guidelines developed by the Institute of Industrial Relations at the University of California at Berkeley agreed and urged language that would read: "The union representatives shall be selected by the local union."[6]

Tenure of Committee Service. Most contracts do not specify a maximum number of years that an individual may serve on the joint committee, though some do.

Chair of the Committee. Most contracts do not specify a committee chair or a method for choosing one, but some do. The Food and Beverage Trades Department, AFL-CIO, suggested that to have an effective committee, the positions of chairman and secretary should rotate between union and management.[7] Others have argued that since safety and health in the workplace is the responsibility of management that management should chair the committee permanently.

Functional Level at Which the Committee is Established. Joint committees are most often organized at the plant level. But, they may be organized at the department level within a plant. They may also be organized at the corporate level or even in an industrywide framework. In some companies, there are joint labor-management committees for occupational safety and health at several of these levels. Sometimes they are mandated by contract language at specific levels; sometimes they are mandated only at one (or more) level(s) and are voluntary at other levels.

In some cases there are areawide or industrywide joint committees that may cut across both union and company lines.

Committee Meeting Schedule

Meeting schedules, when spelled out are usually on an "as needed" basis, "emergency" basis, or at regular intervals. Most collective-bargaining contracts do not specify the frequency of committee meetings, but guidelines, written to aid unions as they grope for contract language, have often urged an explicit rule for regularly scheduled meetings. Recommendations for joint committees in the building and construction trades, made by the Building and Construction Trades Department, AFL-CIO, state: "The Committee will meet on a regular basis no less often than twice monthly, and will hold emergency meetings in the event of fires, accidents, etc."[8] One example of this is a special agreement governing joint committees at two Georgia Power plants under construction which calls for bimonthly meetings. The UAW, for example, suggests that the union members of the safety committee at a minimum meet monthly with the management members of the safety committee.[9] Guidelines developed by the Institute of Industrial Relations at the University of California, Berkeley, include model language that the joint committee: "Meet at least once every month at established dates."[10]

A 1986 review of collective-bargaining contracts by BNA,[11] found that periodic committee meetings are specified in 65 percent of contracts (all industries) providing for joint labor-management safety and health committees. Provisions for periodic meetings exist in 69 percent of manufacturing, but in only 50 percent of nonmanufacturing contracts providing for joint committees.

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[4] Food and Beverage Trades Department, p. 28.

[5] Food and Beverage Trades Department, p. 28.

[6] Chown, p. 64.

[7] Food and Beverage Trades Department, p. 28.

[8] Building and Construction Trades Department, AFL-CIO, "Labor/Management Cooperative Safety and Health Programs with Oversight and Jobsight Committees and the National Trust Fund for Training, Education, and Research in Construction, Safety and Health," p. 13.

[9] United Automobile, Aerospace, and Agricultural Implements Workers of America, "What Every UAW Representative Should Know About Health & Safety," July 1979, p. 26.

[10] Chown, p. 64.

[11] Bureau of National Affairs, "Collective Bargaining Negotiations and Contracts," April 24, 1986, p. 172.

Minutes of Committee Meetings

Many committees do not keep regular minutes of their meetings. But, it is urged by many that regular minutes be kept. In some contracts, the language on the keeping of minutes is quite explicit. (See Appendix for contract example with Homestake Mining and the United Steelworkers.)

The UAW recommended to its bargaining units that: "Minutes shall be taken of these meetings by management and copies provided to the Union members."[12] The union believes that minutes serve to document in writing that specific issues were brought to management's attention and what management's answers to those issues were. The Institute of Labor Relations at Berkeley recommended that: "The employer shall keep minutes of all meetings and provide union representatives with copies."[13] A formal mechanism for recording of minutes leads, at minimum, to agreement about what took place at a meeting and what, if any, actions or recommendations were made. It also can be used as a measurement tool to gauge the extent to which committee actions have been implemented. Horace W. Longacre, Inc. (see case study in Chapter 4) uses problems cited from the previous month's meeting to guide the next month's joint walkaround inspection.

Time and Pay for Committee Meetings

Joint committee meetings may be held during working time, during nonworking time, or a combination of the two. The 1986 BNA survey of collective-bargaining contract language found that pay for time spent on committee activities during regular work hours is stipulated in 36 percent (all industries) of safety and health committee clauses. Manufacturing industries had such stipulation in 37 percent of their clauses; nonmanufacturing in 33 percent of their clauses.[14]

Payment for committee work, when included in a labor contract, is most often stipulated to be at a member's straight-time hourly rate for hours missed from a regular shift. Important here is whether all hours are paid for or whether there are limitations. The three most common issues related to limitations are: whether the individual missed paid working time or not, whether the activity was an actual committee meeting or a related activity, and whether or not to "cap" the maximum number of compensable hours.

Recommended contract language on paid time for joint committee work developed by the UAW[15] reads: "The Union members of the Safety Committee shall be paid at their regular rate for such time as may be necessary to investigate and meet on safety and health problems."

The Food and Beverage Trades Department of the AFL-CIO in developing guidelines for collective bargaining for joint labor-management committees for occupational safety and health urged that union committee members receive lost-time pay for working hours devoted to safety and health.[16]

Model contract language on pay for joint committee work, developed at the University of California at Berkeley, reads:[17]

> The employer shall pay union members of the committee at their regular rate for all time spent on committee business, including time spent in inspections, handling of safety problems, accompanying inspectors, and in meetings.

Clearly, the degree of participation that can be expected of joint committee members, whether labor or management, is somewhat relative to a company's stipulation for compensating that member for time dedicated to committee functions.

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[12]UAW, p. 26.

[13]Chown, p. 64.

[14]Bureau of National Affairs, "Collective Bargaining Negotiations and Contracts," 95:1, April 24, 1986, p. 172.

[15]UAW, p. 25.

[16]Food and Bevearage Trades Department, AFL-CIO, p. 28.

[17]Chown, p. 65.

Chapter 3

Functions of Joint Labor-Management Committees for Occupational Safety and Health

Joint labor-management committees for occupational safety and health vary widely in their functions and authority. As a result, they also vary widely in the role they play in improving safety and health conditions in the workplace. Functions that are often part of a committee's mandate may be advisory only or they may have some independent authority. They may be reactive or they may also involve planning. They include: recommendations for improving safety and health, studying the plant's safety performance, reviewing and analyzing safety and health reports, promoting education and overseeing training, inspecting plants, accompanying inspectors on plant tours, investigating accidents, investigating hazards, investigating worker complaints, settling disputes, and shutting down unsafe machinery.

Committees are not a substitute for either collective bargaining or the union stewards who enforce applicable collective-bargaining agreements.

Clearly, there is a significant difference between committees which are mostly advisory and those which are empowered to take action. Collective-bargaining language seems to be far more developed in establishing the structure of joint committees than in clearly delineating their functions and powers. When committees are established to correct and/or prevent hazardous conditions, the specific jurisdiction may not be specified, a budget may not be allocated, and the authority to shut down hazardous equipment may not exist.

Management usually looks toward its corporate safety director, if there is one, to guide the company through its occupational safety and health activities. This is likely to include responsibility for OSHA compliance, recordkeeping, first aid, training, and monitoring as well as work in program development or participation on a joint committee.

Most unions consider the local union safety and health committee to be the key labor group participating in the prevention of accidents and occupational illnesses. This committee, of course, needs the cooperation of not only fellow workers, but also public officials and management. Members of the local safety and health committee may also serve on the joint labor-management committee for safety and health. Many would consider a strong union safety and health committee to be an absolute prerequisite for an effective joint committee effort.

Making Recommendations

Making recommendations and providing advice are chief among the functions of most joint labor-management committees for occupational safety and health. Only rarely do committees have authority to go beyond the making of recommendations. The ability to make specific recommendations often is enhanced by inspection authority.

Studying Performance; Reviewing and Analyzing Reports

Reviewing a company's health and safety record is nearly always considered to be a function of a joint committee. Doing plant inspections is often considered an important part of this function. Other related functions and powers include access to investigation reports and the right to take samples in the plant with industrial hygiene monitoring equipment, as well as access to company data on monitoring, toxic materials, workers' compensation, etc.

Preventing Hazards

The health and safety committee can play an important role in preventing hazards. Health hazards with which a joint committee should be concerned include: fumes and vapors, dust, excessive heat and cold, noise and vibration, spilled chemicals, radiation, and physical stress. Safety hazards include, but certainly are not limited to: unguarded machinery, machinery in need of maintenance, inadequate or unmarked emergency exits, poor lighting, electrical hazards, mishandling of explosives or flammable substances.

The committee might also be concerned with more subtle problems, such as: the amount of time needed to do each task safely, whether excessive overtime may cause excessive fatigue, whether or not workers are reluctant to report hazards for fear of punishment or of being transferred to other jobs at lower pay levels, whether there are large numbers of specific health problems which could be related to exposure to a workplace substance. So, too, might joint committees be involved in discussions about such changes in working conditions as the introduction of new machinery, new work processes, or new chemicals.

Promoting Education and Overseeing Training

It is fairly common for a labor-management committee for occupational safety and health to provide guidance to training programs. Sometimes a joint committee even oversees the actual production of materials and course instruction. Having some budget authority helps considerably in allowing the guidance and training role to be more substantive.

Training for committee members is also an issue, especially since committee members, besides their committee responsibilities, usually have line responsibilities related to safety and health. A high level of expertise and knowledge among committee members is a prerequisite for active and effective cooperative work. It is considered to be so important to the efforts of General Motors and the UAW, for example, that the memorandum of understanding attached

to their current contract makes the development of a training program for committeemen a major responsibility of their national committee.

Making Plant Inspections

Making periodic plant inspections is often considered essential if members of a joint labor-management committee are to work together from a common perspective and have the basic information necessary to promote improvements. Yet, in those collective-bargaining contracts with provisions for joint safety and health committees (49 percent of contracts surveyed by BNA in 1986), less than half provided for periodic inspections.[1] For all industries, 46 percent had inspections specified — 49 percent of manufacturing contracts; only 33 percent of nonmanufacturing contracts. And, many of these provisions did not specifically state how often the inspections would be made, how reports would be filed, and/or what followup there would be to review deficiencies identified.

The safety and health handbook at Horace W. Longacre, Inc., a large nonunion poultry processing plant, provides for monthly inspections preceding each joint committee meeting. Problems left unresolved at the shopfloor level are reported on at the joint committee meeting. The inspection report is then used the following month as a guide to the joint inspection to see if previous problems have been adequately addressed. The UAW recommends that contract language provide for a joint committee to make weekly inspections "to detect, evaluate, and offer recommendations for control of potential health and safety hazards."[2] The safety and health handbook of the International Brotherhood of Electrical Workers (IBEW) recommends that joint committees "inspect the plant or job site for the purpose of discovering and preventing accident sources as well as checking for conditions that might be a source of an occupational illness."[3] A study from the University of California at Berkeley recommends periodic inspections of the plant at least once a month.[4]

Some have recommended that joint plant inspections be unannounced. Some have asked that monitoring equipment be made available to committee members, so that exposure levels can be obtained either during regular inspections or at other times.

Accompanying Inspectors

Walkaround rights for committee members is considered very important, especially during official inspections. (The issue of pay for walkaround, also considered important, is an additional issue.) Model language, designed to guide bargaining teams for unions, consistently urges that inspection walkaround rights for joint committee members be codified in the collective-bargaining agreement.

The Institute for Industrial Relations at Berkeley recommended that one function of a joint committee be to "accompany government inspectors and employer consultants on all surveys of the plant and participate in these inspections."[5]

Investigating Accidents, Hazards, and Worker Complaints

Investigative roles assure committees more active participation in occupational safety and health policy in the workplace. The Institute of Industrial Relations at Berkeley urged contract language which would read: "Investigate any worker exposure to potentially dangerous substances, fumes, noise, dust, etc."[6] Investigating hazards involves not only access to the job site, but also data on any potentially harmful physical agent or toxic substance to which employees are exposed as well as access to monitoring equipment.

Sometimes, in order to adequately conduct an investigation or formulate recommendations, a committee may need to hire specialists or consultants. This budgetary authority does not usually exist within a joint committee; this lack of authority may impair a committee without investigative powers from fully following through on concerns of joint committee members. Model language recommended by Berkeley's Institute of Industrial Relations provided for consultants:[7]

> The committee may ask the advice, opinion, and suggestions of experts and authorities on safety matters. The committee or union representatives thereof shall have the right to call to the plant such experts and authorities, as well as international representatives of the union; and they shall be permitted to make such examinations, investigations, and recommendations as shall be reasonably connected with the purposes of the committee.

Settling Disputes

The relationship of a labor-management committee for safety and health to the dispute-settling process is a subject of considerable debate. Experience, as well as many studies, has shown that removing safety and health disputes from regular contract enforcement procedure can be effective if a nonadversary, problem-solving relationship can be established between labor and management.[8] Sometimes arrangements can be made for bypassing regular grievance procedures because health and safety issues are not defined as grievances or made subject to final and binding arbitration.

One approach, which provides for a major role for joint committees, is to present all safety and health disputes to the

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[1] Bureau of National Affairs, "Collective Bargaining Negotiations and Contracts," 95:1, April 24, 1986, p. 172.b.

[2] UAW, p. 26.

[3] International Brotherhood of Electrical Workers, "Safety Committees, Section II," *IBEW Health and Safety Handbook*, p. 2.b.

[4] Chown, p. 64.

[5] Chown, p. 64.

[6] Ibid.

[7] Ibid., p. 65.

[8] Ibid.

joint committee. Then, if the problem is not resolved, the dispute can be immediately filed in the grievance machinery. Another approach is to refer disputes that cannot be settled in the joint committee setting to state safety inspectors, impartial arbitrators, outside consultants, or others. A 1986 BNA survey found that disputes left unresolved by joint committees may be referred to a grievance and/or arbitration procedure under 27 percent of the sample agreements that provide for joint committees. (This was true more often in nonmanufacturing than in manufacturing — 25 percent vs. 36 percent, respectively).[9]

The contract language suggested to unions by Berkeley's Institute of Industrial Relations reads:[10]

> The committee shall be considered an adjunct of, and subordinate to, the regular grievance procedure. All disputes and disagreements arising under the health and safety clauses of this contract, if not disposed of by the health and safety committee, shall be subject to the grievance procedure.

The Food and Beverage Trades Department of the AFL-CIO in the early 1980s suggested to its affiliates that, through the committee structure, there be a "right to a separate and accelerated grievance procedure for health and safety problems."[11]

Because the grievance procedure and contract language related to it are well-honed institutions in labor-management relations, some guidelines by management or labor for collective-bargaining language on this subject may be very specific. The suggested language of the UAW to its locals is one example:[12]

> Any disagreement or dispute relating to safety and/or health which cannot be resolved by the safety committee may be treated as a grievance and processed through the regular grievance procedure. When written notice is given that a grievance, based upon an alleged violation of this article, has not been satisfactorily settled in the first level, it shall be placed immediately in the last level of the local agreement's grievance procedure involving the local management, local committee, and the International Union Representative.

Some joint committees are specifically excluded from dispute settlement efforts. The 1983 contract between U.S. Steel and the Steelworkers, for example, stated, "The function of the committee shall be to advise... and to discuss... but not to handle complaints or grievances." The current agreement between the U.S. Postal Service and the American Postal Workers Union stipulates that "Individual grievances shall not be made the subject of discussion during Safety and Health Committee meetings."

Shutting Down Unsafe Machinery

The authority, if it exists, for a joint committee to shut down unsafe machinery or an unsafe process is one of significant power and importance. Few joint committees are so empowered, but there are some examples. A contract between Superior Plating, Inc., and the Electrical Workers (IUE) gave a joint committee, with two members from each side, the authority to "shut down a machine or operation which a majority of the Committee (a quorum shall be 4 members) agrees is unsafe." The current memorandum of understanding on health and safety between GM and the UAW provides, in cases of imminent danger, for shutdown as well.

Other Functions and/or Objectives of Joint Committees

Because there is great variety in committee structures and industry needs, there is a great variety in function. Other functions and/or objectives for some committees include:

— Assisting in enforcing safety work rules.

— Automatic notification by the employer of any exposure measurements that are potentially dangerous.

— Reduction of the number of safety-related complaints filed with regulatory agencies, without infringing on workers' rights.

— Attendance at annual safety conferences or at other safety and health meetings within one's company or industry.

— Advance discussion of company intentions to introduce new personal protective apparel or to extend the degree or types of its use.

— Recommending changes or additions to protective equipment or devices for the elimination of hazards.

— Establishing procedures for handling suggestions and recommendations to the committee by workers or committee members.

— Participating in advertising and selling safety to all parties.

— Maintaining records and making reports.

Opening up lines of communication and providing advice are worthwhile activities for joint labor-management committees. They may increase the degree of participation of workers in safety and health, providing both an opportunity for the company to use its expertise and insights as well as increasing the role of employees in overseeing their own day-to-day safety practices. While talk can help, and may even be able to modify behavior and attitude, talk alone is unlikely to foster change in work rules or the technology in place, the speed of the line, capital investment decisions, etc. Power, money, and collective bargaining — along with improved communication and advice giving — are probably necessary if joint committees are to be agents for major change.

The degree to which joint labor-management committees are appropriate structures for increased power, money, and increased attention in collective bargaining is the subject for the succeeding sections of this paper.

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[9] BNA, "Collective Bargaining Negotiations and Contracts," April 24, 1986, p. 172.

[10] Ibid.

[11] Food and Beverage Trades Department, p. 30.

[12] UAW, p. 27.

Chapter 4

Six Case Studies

There are hundreds of joint labor-management committees for occupational safety and health around the country that could serve as case studies for this paper. An effort has been made to choose six cooperative efforts that provide a variety of established committee structures and functions—from mandated and voluntary ones; from organized companies and unorganized ones; from the manufacturing sector and the nonmanufacturing sector (construction and services); from very large companies and not so large ones; from companies with serious and persistent hazards of long standing and those with hazards associated with new technology for which cause-and-effect is not clearly established. All six have experienced levels of success that may be instructive to others.

The first case study is of a successful voluntary committee, with a strong union, in the service sector, who dealt with the then emerging technology of video display terminals. The COLD Committee at the Madison, Wisconsin, office of Wisconsin Bell used labor-management cooperation to solve problems which continue to plague many workplaces.

The second case study is from a nonunion poultry processing plant, Horace W. Longacre, Inc., of Franconia, Pennsylvania. At Longacre, an aggressive safety director and leader in the National Safety Council activities, had sought consultation and training from OSHA, leading to a revitalized joint committee, a strengthened overall safety and health program, and lower accident rates.

The third case study is the construction site of a multi-billion dollar nuclear-fueled electric generating facility in northeastern Georgia. Following a model used by the Building and Construction Trades Department, AFL-CIO, of a joint site committee and joint oversight committee, the Vogtle project of Georgia Power has experienced sharp reductions in accident rates. Joint committees are one factor cited in this reduction.

The fourth case study probes the joint efforts of General Motors and the United Auto Workers, ranging from local joint committees to a National Joint Committee. It also makes use of joint committees for such special functions as training and ergonomics as well as a panel of technical consultants selected by both parties.

The fifth case study is from the nonunion Eugene Water and Electric Board in Eugene, Oregon. New management, with a new emphasis on participation, has led to a series of efforts, from expanded labor-management safety meetings to joint task forces and small group problem-solving workshops.

The sixth case study is of a process culminating in a single tripartite agreement to achieve compliance with OSHA's inorganic arsenic standard at Asarco's El Paso, Texas, smelter. Deadlines for compliance were extended, but only with the written commitment of the company on specific details and processes by which compliance would in fact be achieved.

All six case studies reflect successes, at least relative successes, in the arena of labor-management cooperation. None has solved all the problems of their company. Each is an important component of an overall health and safety program at the plant or company, but only one element.

In some of the cited cases, labor-management collective-bargaining agreements and the negotiating process have been critical elements to success. In others the active participation of OSHA has been a major factor. Some involve substantial outlays of money; all require substantial commitments of time. In all cases there has been a high and visible level of commitment by top management to a cooperative problem-solving approach.

Case Study 1

A Special Voluntary Committee: The COLD Committee of the Madison Office of Wisconsin Bell and CWA

Ergonomic problems resulting from badly designed chairs and poor illumination were solved in a Madison, Wisconsin, office by a special voluntary joint labor-management committee established specifically to work on safety and health problems associated with video display terminals (VDTs).[1] The COLD Committee,[2] of the Madison office of Wisconsin Bell and Local 5530 of the Communications Workers of America (CWA), evolved from concerns and studies in the early 1980s. It not only solved specific workplace problems, but 1) its successes have been shared in other workplaces, and 2) the structure has grown to include problem solving in the area of health cost containment and occupational safety and health.

In 1980, employees of Wisconsin Bell in Madison, Wisconsin, began actively expressing their concern with workplace safety and health problems associated with video display terminals (VDTs). Staff at the national office of CWA and at the Department of Preventive Medicine and the School for Workers at the University of Wisconsin became involved. In 1981, consultant Robert Arndt was hired by CWA to study the problem. A survey was done[3] and two problems, of poor chair design and improper illumination, were identified for priority attention. The local's safety and health committee members and officers decided to share the results with management. Department supervisors of directory assistance and travel service operators met with union representatives. At this meeting, it was suggested that many of the problems identified could be best addressed by a

[1]Except where other citations are made, this case study is based on an interview with David LeGrande, National CWA Health and Safety Representative, June 29, 1986.

[2]The name COLD is not an acronym. It is simply a name given by the group by the committee, some say because it began meeting on an extremely cold day.

[3]Robert Arndt, "Telephone Operator Reactions to Video Display Terminals," Presented at American Industrial Hygiene Conference, May 25-29, 1981, Portland, Oregon.

committee dealing exclusively with ergonomic problems. While the committee would gather input from a variety of sources including grievances, they agreed that the committee should not deal directly with individual complaints or specific grievances. The COLD Committee was formed.

As a first step toward solving the chair and illumination problems, recommendations were prepared to help the committee members evaluate alternatives and justify needs to higher management. The COLD Committee made recommendations and worked with both the company and the union to take actions which would systematically solve the problems.

The chair problem. Poor chair design was found to be responsible for a number of muscular-skeletal problems, especially related to back pain. Ten recommendations about chair design were made:[4]

1. Chair design, specifically its depth, height, width, shape, and slope, should meet ergonomic considerations.
2. Chairs should have an adjustable, full-size back which assists in maintaining the inward curvature of the spine.
3. Chair should allow the operator to choose and change posture.
4. Adjustments should be easy to make.
5. Five-legged chairs should be used for stability.
6. Swivel seats would allow easy access to work.
7. Rollers or coasters should only be used if they are rigid enough to prevent unintended movement.
8. Adjustable or slightly tilting seat pans are necessary.
9. Spring-loaded backrests should be rigid enough to provide support.
10. If armrests are included, they should be removable.

When the committee suggested that new chairs be purchased, the company agreed. Three well-designed chairs of equivalent price were brought in and employees tested them and gave their preference based on comfort and degree of flexibility. Employee input coupled with management support brought about this major improvement in working conditions. The process proved so successful that the same approach was used throughout the Wisconsin Bell system, with each local union's members choosing the chair that best met the needs for comfort and flexibility.The end result of this effort was the purchase of ergonomically well-designed chairs for all operators within the Wisconsin Bell system.

(One example where failure to use a joint labor-management framework to help solve the poor chair design problem cost a Bell system company money is Illinois Bell. With no worker input, Illinois Bell spent approximately $15,000 on new chairs which later proved to be inadequate. As a result, new chairs had to be purchased. The next time Illinois Bell got employee input, albeit from union members of a joint labor-management committee rather than the work force as a whole.)

The illumination problem. Improper illumination was causing vision problems among operators. The Cold Committee, based on survey information, expert recommendations, and labor-management cooperation, made four recommendations:[5]

1. Place shields around the edges of lighting fixtures, or
2. Eliminate unrecessed lights and make use of more on-desk lighting.
3. Change the color of keyboards to eliminate reflections, and
4. Cover console metal surfaces with clear matte or crinkle paint to diffuse rather than reflect the light.

As a result of these recommendations, parabolic louvers were installed that allowed light to filter down to work stations, and glare-producing colors in the office were painted with matte finish.

Noise problems solved as well. Labor-management cooperation led to the installation of noise-absorbent partitions, carpeting to absorb noise, and covers for printers.

Ergonomic problems associated with VDTs at the Madison office of Wisconsin Bell were defined, worked on, and resolved through joint labor-management efforts. According to CWA national safety and health representative, David LeGrande, "Everything that should have been done was done."

Committee structures at Madison's Wisconsin Bell with CWA Local 5530. The COLD Committee continues to meet, six years later. It is a voluntary joint labor-management committee. It was activated before the 1980 AT&T-CWA collective-bargaining thrust toward quality-of-worklife (QWL) committees. In fact, COLD Committee members refuse to call their committee a QWL committee. In Madison there is a union safety committee, a QWL committee, and a joint labor-management safety and health committee as well as the COLD Committee. Each has its own functions. The COLD Committee has maintained a sustained interest in the problems associated with VDTs.

Some overlap among committees does exist, both in terms of personnel and issues. For example, members of the union safety committee may also serve on any of the other three aforementioned committees. While the QWL committee tends to stay clear of safety and health issues, the stress-related problems faced by directory assistance operators is treated as a QWL problem and cannot be totally separated from safety and health.

Other Accomplishments Due to the COLD Committee

—The members of the COLD Committee have expressed concerns about the possible relationship between VDT radiation and health and believe that it is a likely problem, though committee members are currently waiting for evidence and urging that more research and investigative work be done.

—Concern with VDT safety and health issues has led the COLD Committee to work on health-care cost containment, and, as a result, a health-care cost containment committee has emerged.

—Union and management members of the COLD Committee traveled to other offices within the state to share some of their ideas and successes. The procedure was also

[4]Communications Workers of America, *Technological Change: Challenges and Choices: Participant's Manual*, 1985, p. 411.

[5]Ibid.

shared with CWA representatives throughout the United States at an operators' conference in Milwaukee.

—COLD Committee members have been leaders in the VDT movement, in occupational safety and health, and in union leadership. They have worked for VDT legislation in the Wisconsin legislature, as well as serving on the Wisconsin VDT coalition, Wisconsin COSH (Coalition on Safety and Health), CWA State Council, and being elected local CWA leaders.

—The work of the COLD Committee on VDT problems was pioneering and its solutions have influenced work by the national CWA union, both in the safety and health area and in worker education.

Contractually Mandated vs. Voluntary AT&T-CWA Committees

Since 1974, the AT&T-CWA collective-bargaining contracts have mandated joint labor-management safety committees at a headquarters level throughout the Bell system. The language developed for the 1974 contract has remained unchanged (except for the appropriate date change in paragraph 2). It provides for mutually agreed-upon safety principles and a committee system for working toward their achievement. It reads:

> Safety is a concern to the Company and the Union. The Company and the Union mutually recognize the need for a work environment in which safe operations can be achieved in accomplishing all phases of work and the need to promote better understanding and acceptance of the principles of safety on the part of all employees to provide for their own safety and that of their fellow employees, customers, and the general public.
>
> To achieve the above principles, the Company and Union agree to establish for the duration of the 1974 agreement an advisory committee on safety principles at the Company headquarters level. The committee shall consist of not more than three (3) representatives each from the Company and the Union (to be appointed by the Company and the International Union respectively). This committee shall meet from time to time as required but at least three (3) times per year. In addition, the American Company (AT&T) and the International shall continue to confer as needed on safety principles. In connection with any safety activities, the Company agrees to reimburse only for the time spent by active employees for attendance at such committee meetings during the employee's scheduled tour at his regular straight-time rate of pay.

Committees mandated by negotiated contract include: one for each of the 22 operating companies of AT&T (e.g., C&P or Wisconsin Bell), one for AT&T Communications, and four for AT&T Information Systems to represent one for Western Electric Manufacturing, Western Electric Sales, Western Electric Installation, and those employees (mostly clerical) new to AT&T Information Systems. In addition, there are mandated local joint committees at 11 CWA-organized Western Electric manufacturing plants (the only mandated local joint safety and health committees). These committees are solely advisory; they do not have mandated budgets; meetings are held on paid working time; members have walkaround rights and the union has access to the plants; employees have the right to review their medical records and to know the identity of substances and materials with which they work (though in some areas the right-to-know has been contested).

While joint committees are mandated at the headquarters level, in some instances on a voluntary basis, they also exist at the plant or office level. In most, but not all, locals there are union safety committees.

Evolution of national contract language.

The safety language of the AT&T-CWA contracts has remained virtually unchanged since 1974. In 1983, however, an addendum was added to the contract: Video Display Terminals—Preliminary Guidelines for Selection, Installation, & Use. The guidelines were developed by Bell Telephone Laboratories and were reviewed by CWA before incorporation. The guidelines focus on three main areas:

1) Furniture design, including placement of screen, keyboard, and source documents; table design, such as the size of the table and thickness of the tabletop; chair design, including seat pan, back rest, wrist rests, etc.

2) VDT design, including character formation, character color, character brightness and sharpness, dot matrix design, key shape, keyboard design, etc.

3) Design of office illumination, including specifying illumination level, controlling contrast glare, tilting the CRT, reducing reflections, etc.

The guidelines also discuss such common problems as noise, heat, cooling exhaust, dry air, static electricity, and screen cleaning. Because it is the position of Bell Telephone Laboratories that there are no risks due to radiation, discussion of radiation and related issues is not included.

Summary

The active work of the COLD Committee in Madison, Wisconsin, not only improved the working conditions associated with VDT use for many employees of Wisconsin Bell, but has also given incentive and strength to a national movement.

Through labor-management cooperation, the COLD Committee was able to develop VDT guidelines that serve as a model, not only for the AT&T-CWA collective-bargaining contract, but also for many workplaces throughout the country.

Case Study 2

Tripartite Cooperation Enhances Safety and Health: The Efforts of Management, Labor, and Government At Horace W. Longacre, Inc.

Cooperative efforts of management, labor, and government at the Pennsylvania poultry processing plant,

Horace W. Longacre, Inc., are credited with substantial improvements in both injury incidence rates and lost workday case rates. An aggressive safety director, who is a leader in meat industry safety, combined with OSHA consultation and training courses and an active labor-management safety committee, are credited with safety improvements.

Horace W. Longacre, Inc., is a privately owned poultry processing plant in Franconia, Pennsylvania, 30 miles north of Philadelphia. Production consists of boning, trimming, cooking, and packaging poultry. The company maintains a quality control program and an FDA-certified laboratory. It also maintains its own fleet of trucks for distribution, a truck-servicing facility, and a water treatment plant. Production, offices, refrigerators, freezers, and the laboratory are housed in one large building. There are two smaller buildings, one housing the truck-servicing facility and one the water treatment plan. Longacre employs 635 people, 400 of whom work in production. None are represented by a trade union.

Longacre has had a joint labor-management safety committee for many years. But it has been significantly reactivated in recent years, with an increase in participation by hourly employees and monthly meetings which include a formal safety survey of the plant. The stated role (as of 1984) for the committee is:[6]

> . . .to ensure employees a safe environment in which to work and to allow for proper handling of work-related injuries should they occur and. . .protection of business assets, especially physical property, from potential accidental loss/damage. . .[to] conduct regular plant tours to seek out safety hazards, review all accident investigations, propose corrective action, and establish safety guidelines.

The joint committee at Longacre has six hourly employees and five members of management. The hourly employees serve two-year terms (with possible reappointment after a break of service). They are selected jointly by the vice president for personnel and the safety director and represent specific departments within the company. The management representatives are the vice president for personnel, the maintenance manager, the quality assurance manager, the safety director, and a secretary. The safety director chairs the committee. Meetings are held monthly on paid working time.

Functions of the joint committee include the following:[7]

1. Plant inspections. Prior to the monthly meeting, each committee member is responsible for performing a safety inspection of assigned zones within the plant. The plant is divided into 25 zones.Each committee member is assigned one zone a month, on a rotating basis, to inspect and report on at the committee meeting. If the committee member finds safety problems, it is his/her responsibility to note them, to inform the supervisor, and to report to the committee. The safety director then files for action, and, at the following month's meeting, members check to see if the hazard was corrected.

2. Accident review. While it is the responsibility of the safety director to investigate accidents, the committee reviews accidents and discusses necessary steps to take for prevention of future incidents.

3. Writing work orders. Any member of the committee has the right to go to the appropriate supervisor, get action, and write a work order when a hazard is identified. The writing of a work order does not require safety director involvement. Actions, depending on the severity of the hazard, require correction within 24 hours, 72 hours, or 30 days. If an identified hazard is recognized to be life threatening or risking serious bodily harm, a committee member has the right to stop production and then immediately contact the safety director.

4. Reviewing company statistics. Each year the safety director does an annual tally of company safety statistics, which is reviewed by committee members.

5. Training. Committee members, as well as other company employees, are trained in hazard recognition. Committee members are trained in first aid and CPR. They also attend local safety council meetings. According to the company's extensive safety manual,[8] each member is also trained as an Occupational Medical Technician.

6. Planning annual safety week activities. Committee members are responsible for the planning of activities each fall for the company's annual safety week. The week usually has a kickoff dinner with a speaker. Committee members are seen throughout the plant on walkarounds, wearing emblems identifying them as safety representatives. There are several employee participation activities, including a poster contest and a forklift rodeo. Employees receive gifts—one year a flashlight with "light up for safety" written on it. The activities are thought to be responsible for improved employee awareness, supervisor motivation, and more open communication. It is the company's goal to involve the members of the Safety Committee in one safety project each year[9] and, with the aid of Longacre's insurance company, choose one particular area to highlight, such as repetitive trauma disorder, forklift safety, or development of a particular safety training program. At the end of the year, the committee would evaluate the project and submit it to management for recommendation.

As for the committee meeting itself, the company safety manual says:[10]

> The Safety Committee Meeting provides a format for the discussion of accident prevention. The Committee will review all accidents to determine what action must be taken to prevent recurrence of the incident. The Committee will review the "Plant Tour" to determine what actions must be initiated to correct the problems identified on that tour. The Committee will review the status of all open or pending corrective action to determine what additional steps need to be taken to resolve the problems. The Committee will receive reports from its various members on special projects or assignments and

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[6]"Horace W. Longacre, Inc., Application for OSHA Voluntary Protection TRY Program," July 3, 1984.

[7]Unless otherwise indicated, based on telephone interview with Mr. Sam Fulginiti, Safety Director, Horace W. Longacre, Inc., July 29, 1986.

[8]S.S. Fulginiti, "Poultry Division Safety Rules and Procedures Composite," March 1984, p. 14.

[9]Ibid.

[10]Ibid.

will determine how to carry out any recommendations proposed. Furthermore, the Committee will discuss and initiate programs designed to reduce and/or eliminate accidents on the job or at home.

The monthly report of the safety committee not only records actions taken and information presented, but it also provides a record of accomplishments and a reference for followup on pending action to be taken.[11] There is a formal method for preparing the safety committee report. The report contains: the date of the meeting and the date of the previous meeting; a brief review of the topics discussed; a list of individuals giving reports or making presentation; identification, as part of the safety review, of any documents, directives, and/or instructions reviewed; identification of any accidents or unsafe conditions; descriptions of any unsafe acts or conditions reported by an employee; job hazard identification which includes the total number of job hazards identified since the last meeting, the number of job hazards eliminated since the last meeting, and the number of job hazards outstanding; and recommendations.

In addition to the joint committee, employees are represented by an Employee Relations Committee which meets monthly to discuss complaints, interpretation of new company policies, benefits, and safety suggestions. Safety suggestions or complaints are communicated to the vice president of personnel, who also serves on the safety committee and enters the information into the official records of the safety committee minutes. The chair of the safety committee then responds to either the vice president or directly to the employee as to the outcome of the suggestion or complaint.[12]

Besides the joint committee, substantial credit for efforts in occupational safety belongs to the company's safety director, who is also general chair of the meat and leather section of the National Safety Council. The safety director, Mr. Fulginiti, has prepared a detailed safety manual for the company and instituted a major ergonomic redesign of the plant to solve problems of carpal tunnel syndrome. He is also responsible for the involvement of OSHA at Longacre in consultation and training activities.

OSHA's contribution to improved safety and health at Longacre is readily acknowledged by the company's safety director. Around 1980, OSHA did a wall-to-wall inspection and found no violations. It did recommend, however, that the safety director participate in voluntary compliance courses at OSHA's Des Plaines, Illinois, training facility. This recommendation was followed, and it was subsequent to that training that the safety director developed the current safety program.

OSHA is credited by the safety director with helping in the development of the Longacre safety program in the following ways:

—development of a new construction standards program. The program includes a form which all outside construction contractors must sign, indicating that the Longacre safety director will be the safety inspector for their activities, that the contractor will abide by Longacre safety policies, and that the safety director will perform daily inspections.

—development of a written policy on employee safety training.

—development of a written respirator program.

—implementation of an annual health and safety audit of the company to determine the status of safety activities in the company and what has been accomplished. Longacre's safety director is proud of the fact that his company was the first in the meat industry and the first in the food industry to be part of OSHA's Voluntary Protection Programs (VPP).

Since 1980, the safety record of Longacre has improved significantly. Injury incidence rates fell from 17.8 in 1981 to 12.95 in 1985. Lost workday case rates fell from 8 in 1980 to 4 in 1985. What major activities does the company safety director cite as the major factors in safety success? Employee awareness, employee safety training, and improved ergonomic design.

Case Study 3

Labor-Management Committees for Occupational Safety and Health in the Construction Industry: Georgia Power's Vogtle Plant

A labor-management committee for occupational safety and health has contributed to a sharp reduction in accidents at a large nuclear power plant construction project. The Vogtle plant committee and the oversight committee associated with it is part of a structure providing new emphasis for worker safety and health.

Employing 13,000 people in rural northeastern Georgia, the $9.2 billion Vogtle plant of Georgia Power will be a two-unit, nuclear-fueled electric generating facility capable of producing 2,300 megawatts of electric energy. It has been under construction since the mid-1970s and is slated for completion in 1989. Georgia Power is a subsidiary of the Southern Company and serves as the construction manager and operating agent.

In 1981, the company was experiencing a higher than average accident rate, with 5.4 accidents for every 200,000 man-hours worked compared to a national average of 3.8. By 1985, the rate had fallen to 0.5. What were the factors which resulted in this reduction? Some give credit to a substantial (and controversial) drug-testing program which seems to have made successful inroads into a once high level of drug use by employees. Others also give credit to a significant efforts by the company and the construction unions to resolve some safety problems through a joint labor-management committee process.

Joint Committees for Safety and Health Receive High Priority

Joint labor-management efforts are considered to be the cornerstone of the safety program at Vogtle.[13] These labor-management efforts are delineated in a 1983 "Joint

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[11]Ibid., p. 15.

[12]Ibid., p. 17.

[13]OSHA, "Preapproval Review Report," Georgia Power's Vogtle Plant, p. 2, attached to February 28, 1984, memo from OSHA Director of Federal-State Operations Bruce Hillenbrand to Assistant Secretary Thorne Auchter recommending STAR approval.

Labor/Management Safety and Health Self-Inspection Agreement," signed by an officer of Georgia Power and the president of the Augusta Building and Construction Trades Council.

The company speaks out in favor of labor-management cooperation in its Construction Safety Manual:[14]

> Experience has shown the well-organized, active labor/management safety committee, meeting with the safety coordinator or representative on a regularly scheduled basis, to be a vital tool in the identification and correction of hazards that occur on the construction site. These committees create a vehicle for effective two-way communication on safety-related problems. They are a method of raising employee morale by directly involving them in the safety of their work areas and gives them a voice in recognizing and rewarding their peers for working safely.

How the Site Committee Works

The committee has an equal number of labor and management representatives. On the management side, there are designated company representatives from safety, civil, mechanical, and electrical departments. Additionally on the management side, the contractors have representatives from superior, combustion, power piping, and other departments. Labor has representatives, selected according to 11 designated craft areas: boilermaker, carpenter, electrician, insulator, ironworker, laborer, sheetmetal, teamster, operator, painter, and pipefitter. Management and labor both have a cochair representing them. Monthly inspections are made. The committee meets bimonthly and keeps minutes of the proceedings. The committee members have access to the following company data: monthly logs of injuries and illnesses, monthly inspection results, results of followup inspections, minutes of the quarterly committee meetings, written abatement of hazards recommended by OSHA as a result of a formal complaint inspection, and results of all OSHA inspections. Eleven functions for the joint labor/management committee are described as part of the joint agreement. These are:

1. Notifying all employees of the purpose and function of the joint committee.
2. Reviewing safety complaints and suggestions from both labor and management and recommending actions.
3. Recommending (bimonthly) any changes or additions to work practices, rules, equipment, processes, or procedures that might reduce occupational injury or illness.
4. Making a concerted effort to train committeemen and job-site employees in construction safety and health.
5. Inspecting the job site monthly, with at least one management and one labor representative present.
6. Posting the results of committee inspections at the job site.
7. Setting appropriate correction time for each hazard noted in committee inspection reports.
8. Investigating all serious injuries to determine cause and make recommendations; investigating any lost-time injury or near miss (the latter to be performed by the Company's Safety and Health Representative).
9. Compiling quarterly safety statistics that cover both the site contractors and crafts and publishing these statistics in the project newspaper.
10. Reviewing quarterly statistics to determine accident trends and making recommendations.
11. Maintaining accurate documentation of all meetings, inspections, investigations, complaints, and recommendations.

An OSHA review[15] of the Vogtle safety program found a joint committee in operation for each of four shifts (Monday to Thursday days, Monday to Thursday nights, Friday to Sunday days, and Friday to Monday nights). The A Shift (Monday to Thursday days) committee was cochaired by the construction safety superintendent and the electrician steward.[16] Besides Georgia Power representatives and contractor representatives, the committee was made up of representation from the crafts of cement finishers, teamsters, carpenters, laborers, oilers, ironworkers, painters, sheetmetal workers, millwrights, boilermen, and pipefitters. A review of the minutes of committee meetings held during the second half of 1983 included identification and discussion of the following types of problems:

—Material and debris on scaffolds.
—Water being dumped on floors.
—Need to control water due to rain.
—Flammable liquids in open buckets.
—Need for welding rules and welding screens.
—Welding screens not being used.
—Non-use of safety belts, hats, and glasses.
—Need for handrails.
—Ladders not tied off.
—Need for fire extinguishers.
—Exhaust fumes from cherry pickers.
—Poor ventilation.
—Need to check for guards and safety latches for handgrinders before they are issued.
—Spotters needed for backing trucks.
—Need to flag areas with restricted access.
—Need for improved lighting.
—Need to remove hazardous area signs when work is done.
—Need to install speed breakers in roadways.
—Need for general housekeeping and cleanup.

The program is explained to employees in the "New Employee Safety and Health Guide for Plant Vogtle" as follows:[17]

> The primary objective of the Labor/Management Safety and Health Self-Inspection Program is to provide the framework for cooperation between labor and management in ensuring compliance with state and federal standards and avoiding placing the employee in hazardous situations.
>
> In addition to the full-time safety staff on site, representatives from each craft for contractor

[14]Georgia Power Company, "Construction Safety Manual."

[15]OSHA, "Preapproval Review Report," p. 7.

[16]This is despite the fact that OSHA guidelines for STAR participants discourage the selection of union stewards to serve on joint committees.

[17]Georgia Power, "New Employee Safety and Health Guide for Plant Vogtle," p. 2.

management and Georgia Power Company have been selected to serve on the Joint Labor/Management Safety Committees. The purpose of these committees is to meet regularly to review the progress of the safety program on their shifts, and to recommend changes or additions to work practices, safety rules, and safety procedures. These committees shall also review any employee complaints of unsafe conditions and recommend corrective action. On a monthly basis, the committees will conduct walkthrough inspections of the site and document any hazard found.

In addition to the Labor/Management Safety Committees, an Oversight Committee has been formed. The representatives of this committee are: The Georgia Power Company Project Construction Manager, the President of the Augusta Building and Construction Trades Council, the Georgia Power Company Manager of Administrative Operations, the Site Construction Safety Superintendent, the Chief Craft Safety Representative, and an OSHA Liaison Officer. This committee meets on a quarterly basis to review the effectiveness of the cooperative program and to resolve any problems the safety committees are unable to resolve.

How the Joint Oversight Committee Works

Also part of the labor-management effort at Vogtle is a Joint Labor/Management Safety and Health Oversight Committee. Where there are labor-management committees for occupational safety and health in the construction industry, the Joint Oversite Committee is a fairly common institution since employment in the industry is, by definition, temporary. Serving on the oversite committees are permanent employer and employee representatives who give continuity to on-site joint committee efforts. The oversight committee for Vogtle is mandated with five functions:

1. Providing guidance, direction, and support to the joint committee.
2. Ensuring the training of committee members.
3. Evaluating the performance of the safety and health committee.
4. Hearing and ruling on recommendations made by the joint committee.
5. Working to resolve complaints that the joint committee is unable to resolve.

The joint committee, together with the joint oversight committee, has as its goals to: reduce accidents, reduce complaints, promote training, encourage employee participation in safety and health programs, and establish a line of communication for workers to voice concerns over potential hazards.

OSHA's Evaluation of the Joint Committee Structure and Activities

OSHA's Region IV Administrator reviewed the Vogtle joint committee structure in May 1985 and found it to be "viable and active." Weaknesses cited by the Regional Administrator included a lack of coordination of information among all committee members. As an example, he pointed out that one team may not be aware of safety and health hazards found by other teams. Such awareness is especially important because the teams rotate areas to inspect, and each team needs to be aware of hazards in other areas. In addition to the need for better coordination of information, the Regional Administrator recommended that committee members (from both sides) periodically attend randomly selected weekly "tool box" meetings, meetings held by each craft to get direct feedback from workers. The Regional Administrator also indicated in his report that committee members felt a need for more training in hazard recognition.

> OSHA gives the Vogtle safety program high marks: . . . full-time Georgia Power Company and contractor safety personnel and an active Joint Labor/Management Safety Committee . . . regularly participate in job-site safety inspections. [The committee] is enthusiastically supported by the highest levels of corporate management and by labor. The bottom-line results of this dedication and cooperation is reflected in a worksite three-year average lost workday incidence rate of 2.1, compared to the national average of 6.0 and an injury incidence rate of 14.1, compared to a national average of 15.0.

Vogtle is Patterned on Guidelines for Joint Safety and Health Committees in the Building and Construction Trades and OSHA's "STAR" Program

To date more than two dozen structures have been established around the country, at major construction sites, that provide for an on-site joint committee and a joint oversight committee. The Building and Construction Trades Department, AFL-CIO, works hard to promote these joint committees.

In 1982, part of OSHA's efforts to establish a set of Voluntary Protection Programs (VPPs) included new emphasis on joint labor-management committees that could foster improved workplace safety and health. It is the STAR program within VPP that put focus on joint labor-management committees as a potential vehicle for improving safety and health. (The VPP TRY program merely required "some aspect of active employee participation" to qualify as a site with an employee-participation program.) Participation in STAR initially removed a site from programmed inspection lists, gave priority attention to variance requests, and provided consultation assistance. In return the employer must, in addition to exemplary performance, demonstrate the existence of either an employee-participation program or a management-initiative program. The employee-participation option includes a requirement for a joint labor-management committee for safety and health. In the construction industry, the employee-participation alternative is mandated. The Vogtle plant meets all of these guidelines and is a member of the OSHA STAR program.

Case Study 4

General Motors and the UAW Pledge Cooperation

Building a comprehensive safety and health program is a long, evolving process. Such a process has been going on in the automobile industry for many years. A major commitment to a labor-management cooperative process was made in the 1984 collective-bargaining agreement signed by the General Motors Corporation (GM) and the United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW). The GM-UAW safety and health cooperative program costs approximately $30 million per year.[18] While the agreement did not result in a sought-after seat on the board of directors of GM, the UAW gained a greater voice in company operations. There has been "the strong recognition by GM's top management of the necessity for the partnership approach.[19] According to UAW President Donald Ephlin, who directs the union's GM Department:[20]

> "...they have greatly expanded the input I have into their operations and the access I have to all their top people, especially including the chairman, Roger Smith, and the president, Jim McDonald. They both are most accessible."

Besides regular meetings between Ephlin and top GM management, the company has been more forthcoming in sharing previously secret data with the UAW.

The foundation laid in the 1984 contract has been continued in the 1986 contract between New United Motor Manufacturing, Inc. (the GM-Toyota joint venture) and the UAW. The contract begins: "We are committed to building and maintaining the most innovative and harmonious labor-management relationship in America."[21] The company pledges to inform the UAW about "inauguration and retirement" of top management, annual objectives, and major organizational plans. The union is to be told about semi-annual business plans, long-range plans and policies, contemplated insourcing and outsourcing decisions, and "other major events." In addition, similar cooperative frameworks have been negotiated between the UAW and Ford Motor Company and between the UAW and Chrysler.

These steps toward greater labor-management cooperation are viewed by many as a creative way to deal with a declining U.S. industrial manufacturing base. GM and the UAW have agreed to a common goal of finding "practical ways to solve real problems in order to maximize employment opportunities and preserve an important U.S. manufacturing base."[22]

Occupational Safety and Health

The commitment of General Motors and the UAW to cooperation also includes cooperative problem solving in the area of occupational safety and health. Associated with the 1984 collective-bargaining agreement is a detailed "Memorandum of Understanding: Health and Safety," which outlines a comprehensive program based on labor-management cooperation.

Local Joint Committees on Health and Safety exist at the manufacturing and assembly-plant level. In addition there is a National Joint Committee on Health and Safety. This structure is not new. Such committees have functioned for many years. Over the years, however, their activities and functions have expanded.

Local Committees. The local committees consist of one representative appointed by the Corporation and one representative appointed by the Director of the Union's General Motors Department. Their functions are many and include the following:

1. The committees meet at least once each month to review conditions and make recommendations. Minutes are kept and reviewed to determine if the goals are achieved. This monthly meeting is a formal one, but in fact the local union and management members of the committee review and discuss problems on a daily basis.[23]

2. The committee makes a health and safety inspection every two weeks. The supervisor of the department and the district committee representatives for that district are encouraged to accompany the local committee on these inspections. The committee is encouraged to examine the OSHA Form 200 (the medical log) to identify problems and patterns. Major accidents are to be investigated promptly by the committee, and they are to be promptly notified of any employee fatalities or serious accidents resulting from work-related injuries. Should there be a federal or state OSHA inspection, tour, or survey, the committee accompanies the inspector.

3. It is the local committee's responsibility to review accident reports daily. This includes review of form GM 212, Accident Report Cause and Analysis. Health and safety professionals are available both in the Corporation and in the Union to consult with the local committee on any aspect of review.

4. The local committee receives a copy of the plant's report on OSHA "Summary of Occupational Injuries and Illnesses," the facility's total man-hours worked, and the incidence rate for the comparable period.

5. The local committee is to be advised of known harmful physical agents or chemicals to which employees are exposed and protective measures and applicable emergency procedures. The local committee is also to be informed when an employee has had a personal exposure exceeding permissable levels. The local committee may be contacted by an employee who is not satisfied with the plant physician's treatment. The committee has access to the hazardous material safety data sheets as members of the Plant Hazardous Material Control Committee.

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[18]Interview with UAW safety and health official Frank Mirer, December 16, 1986.

[19]Bureau of National Affairs, "What's New in Collective Bargaining Negotiations and Contracts," December 20, 1984, p. 4.

[20]Cited in Ibid.

[21]Cited in Bureau of National Affairs, "What's New in Collective Bargaining Negotiations and Contracts," January 16, 1986, p. 4.

[22]Cited in Stephen I. Schlossberg and Steven M. Fetter, "Analysis of U.S. Labor Law and Future of Labor-Management Cooperation," U.S. Department of Labor, June 1986.

[23]National Joint Committee on Health and Safety, "Memorandum of Understanding, Health and Safety Agreement Between General Motors Corporation and the UAW," December 1985, p. 7.

6. The local committee has access to instrumentation available in a plant, i.e., monitoring equipment for noise, air contaminants, and air flow. The local committee also has access, on a confidential basis, to photographs which relate to health and safety matters.

7. It is the job of the local committee to "review and recommend local safety education and information programs and employee job-related safety training."[24] One major example of joint training activities is work on chemical hazards and employee right-to-know issues:[25]

—The training which the company is required to give under the Hazard Communication Standard will be a joint union/management program.

—Training materials will be jointly reviewed and selected. Where outside vendors or trainers will be employed in the program, they will be jointly evaluated and the company will consider persons suggested by the union.

—Training will be delivered jointly by teams including union representatives. Training will not generally be delivered by foremen. Foremen and union representatives will be given training by the joint program.

8. If either member of the local committee has a reasonable basis for concluding that a condition involving imminent danger exists, he/she is to immediately communicate with the cocommittee member so that there can be an immediate joint investigation. Upon joint agreement, the machine or operation may be taken out of service to perform any and all corrective action.

9. The committee may request plant surveys by the Corporation's Industrial Health and Safety staff to investigate particular problems.

10. The committee has a role in reducing the number of safety and health grievances. When there is an employee complaint filed with a committee representative, the local committee visits the area where the complaint arose, observes conditions, and answers the complaint in writing. A unanimous decision by the local committee settles the issue. Failing a unanimous decision, the complaint is discussed at a special conference and, if still unresolved, is appealed to the third step of the grievance procedure.

The memorandum of understanding provides significant detail on the operations of the local committees. It provides for a designated regular replacement whenever the union health and safety representative is absent for one day or more. It provides for notification procedures to the committee members when an accident occurs on the second or third shift. It provides for the union member to receive adequate and necessary training, with no cost to the member, to enable the member to perform effectively. It establishes health and safety representatives and specifies the amount of paid time for their work, by plant size: 8 hours when a bargaining unit has 500-599 employees, one full-time person for bargaining units with 600-10,000 employees, and two full-time persons when the bargaining unit has more than 10,000 individuals.

National Committee. The National Joint Committee on Health and Safety consists of two representatives of the International Union and two representatives of the Corporation. Each party appoints at least one member who has professional training in industrial hygiene or safety. To facilitate communications between the parties, an electronic communications system linking all members of the National Joint Committee and their consultants has been established. Among the functions of this committee are the following:

1. The committee meets at least quarterly, usually every four to six weeks. The agenda involves current plant problems, new programs, information, and initiatives.

2. The committee reviews the Corporation's safety and health programs and makes recommendations.

3. The Corporation's annual training program for local committee members is developed by the National Committee. So too are corporate guidelines for employee training and education. Annual training for local committees has been provided since 1973. Training is provided for individuals when first hired, when first assigned to a job, when returning from layoff, and when returning from model changeover, as is a program of continuing in-plant safety talks.

4. The committee reviews and analyzes federal, state, or local standards or regulations which affect health and safety programs within the Corporation, hazardous material control legislation being a recent example.

5. Problems concerning serious or unusual situations affecting plant health and safety are reviewed and recommendations made. The short-term and long-term effects of TRIS, lead, PCB, wood dust, etc., are examples.

6. The National Committee reviews and analyzes health and safety data from the plants. Such review, of incidence rates, for example, has led to surveys of some of the high-incidence plants in an effort to find the reason and develop programs for improvement.

7. The National Committee reviews matters referred to them by the Local Committees. Problems which the National Committee recognizes as potentially needing their consideration and assistance include development of committee training, need for more complete material safety data sheets, problems related to company medical facilities, company medical staff, and physical examinations.[26]

8. The National Joint Committee is responsible for evaluating the need for such research. Its recommendations are communicated to the Executive Board on Joint Activities with a request for funding specific projects. The 1984 contract authorized up to $4 million for research. An example of funded research is the support given to a Harvard University study on the health effects of exposure to machining fluids. The National Joint Committee is also committed to prompt communication of research findings to affected employees.

Other specialized joint groups and activities have been established to aid the occupational health and safety programs:

—The National Joint Committee established the

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[24] *Agreement Between General Motors Corporation and the UAW*, September 21, 1984, p. 277.

[25] UAW Health and Safety Department, "A Guide to Chemical Hazards and Health & Safety in the Workplace: Your Right to Know," back cover.

[26] National Joint Committee, "Memorandum . . .," pp. 2-3.

Occupational Health Advisory Board to make recommendations regarding the best course of action to protect the health of workers, on problems such as lead, wood dust, etc. The Board, comprised of five recognized specialists drawn from the major disciplines in the field of occupational health, provides assistance in the design and implementation of health-screening programs and research projects. It also facilitates the selection of investigators for research projects. Major projects undertaken include an evaluation of a colon cancer screening program, a study of solvent polymer toxicity, a study of cutting fluids, etc.

—A Joint UAW-GM Hazard Communication program has been developed and will be presented to each employee. Vignettes were included that might not have been without union input: a directive to complain about ventilation if it isn't working and a directive to workers to demand to see the actual Material Safety Data Sheet to make independent judgments about hazardous substances.

—A Joint Health and Safety Training Subcommittee comprised of two management representatives and two union representatives serves as a resource of the National Joint Health & Safety Committee and assists in achieving the National Joint Health and Safety Committee's training objective. Among its accomplishments is its instrumental role in the development of the UAW-GM Human Resource Health and Safety Training Center and the available training materials for Skilled Trades Health and Safety Training.[27]

—Commitment to a joint ergonomics pilot project came from the 1984 agreement, and a task force with three corporate representatives, three union representatives, and two technical consultants was established to assist the project. The concept is to evaluate the pilot by the end of the 1984 contract and determine if it is appropriate to expand it to other GM locations.

—A task force on Hazard Communication has six corporate representatives and four union representatives. Its major task is to aid the National Joint Committee in expanding training in hazardous materials control for all members of local committees and to expand the resources available to the committee to adequately evaluate the hazardous properties of materials.

—Joint problems relative to Forge Shop health and safety are addressed by a special subcommittee of the National Committee.

The commitment to joint activities can be seen on a number of fronts. Besides the substantial infrastructure—of committees, electronic communications systems, training centers, etc.—there are broad sweeping statements in the 1984 contract. GM and the UAW are establishing procedures to jointly review new plant layouts, manufacturing equipment, and major process changes where employee health and safety may be affected. The parties have agreed to give consideration to joint studies based upon the need, practicality, and recognized benefits of such studies.[28] GM and the UAW have joined with the University of Michigan, the National Institutes of Health, and the National Heart, Lung, and Blood Institute in a study (involving four plants over 4 years) to determine the most effective program design to prevent cardiovascular disease. And the list goes on.

General Motors has affirmed its "obligation to provide a safe and healthful working environment." And the union has affirmed its "obligation to participate in maintaining and improving a safe and healthful working environment."[29]

Joint programs are, according to the UAW, an important part of overall health and safety efforts. They offer opportunities, but they also need the backing of strong union activities as well. According to the union's health and safety department:[30]

> The recent growth in joint health and safety programs and activities offers a special opportunity to improve conditions in the workplace and build union solidarity. The goal of these activities should be to expand and improve protections and to provide for full and effective union participation in all aspects of health and safety on an equal basis with management. Participation by the union is essential to an effective safety and health program. However, providing a workplace free from hazards remains management's responsibility. In order to fulfill its proper role in joint activities, the UAW must maintain and improve its own independent health and safety capabilities and point of view. There can't be an effective joint program without an independent, effective UAW program.

The GM-UAW Ergonomics Pilot Project

During 1984 contract negotiations there was mutual recognition by the parties that substantial worker health problems develop from mismatches between the physical capacities of the human body and the physical requirements of work—including stressful postures, excessive force, and highly repetitive activity. It was also recognized that human factors engineering, epidemiology, and occupational medicine could be used to eliminate or prevent many of these problems.[31]

Based on the 1984 attachment to the memorandum of understanding on health and safety, a December 1984 meeting of ten corporate representatives and ten union representatives began to explore what ought to be done in a pilot project in ergonomics.

An eight-person Joint Ergonomics Task Force was established with the responsibility for developing a detailed

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[27]Ibid., p. 13.

[28]Letter from Alfred S. Warren, Jr., Vice President, GM, to Donald F. Ephlin, Vice President, International Union, UAW, December 21, 1984.

[29]"Attachment 'A' to the Memorandum of Understanding, Health and Safety," *Agreement Between General Motors Corporation and the UAW*, September 21, 1984, p. 285.

[30]International Union - UAW, Health and Safety Department, *Key Documents on Occupational Health and Safety*, June 1986, pp. 5-6.

[31]"GM/UAW Ergonomics Pilot Project: Planning Activities," January 14, 1985, p. 1.

proposed work plan. In addition, the UAW and GM each appointed a staff person to work with the Task Force in a liaison capacity to assure that all operating needs of the group are met and that full communications with the parent organizations are maintained. A work plan was submitted to the National Joint Committee.

Seven planning objectives for the pilot are:

1. A method (or methods) for the identification of health problems of potential ergonomic origin.
2. A method (or methods) to evaluate characteristics of jobs and tools and to identify risk factors.
3. A system (or systems) for effecting changes in job and tool design in an effort to reduce risk factors and improve health status.
4. Recordkeeping and data management system(s) necessary to accomplish the day-to-day ergonomic activities and to serve as the basis for evaluation and analysis.
5. A plan for the scientific evaluation of the effectiveness of the ergonomics pilot as a whole and of its various components.
6. Educational and training activities as needed to engage employees and management as fully as possible in the pilot project.
7. A structure for the local joint UAW/GM administration of the pilot project.

The pilot project was established in 1987 in Pontiac Motor Division of the Chevrolet-Pontiac-Canada Group. Eight plants in the Pontiac area have been targeted, and $1.5 million has been committed to a three-year training period.[32]

The UAW-GM Human Resource Health & Safety Training Center

One very visible and progressive result of joint labor-management activities in occupational safety and health is the August 1985 opening of the joint Human Resource Health and Safety Training Center, conceived as a result of the 1984 contract. With a goal of providing "effective training designed to eliminate job-related injuries and fatalities,"[33] it is one in a series of Human Resource Centers and activities that began with the 1982 GM-UAW contract. Efforts initially focused on helping dislocated and laid-off workers obtain needed job skills, providing educational opportunities, etc. The focus shifted after the 1984 contract to the job training needs of active workers and helping them to stay up-to-date with modern technological developments. The 1984 contract was also the basis for the Health and Safety Resource Center.

Four initial training courses were developed: confined space entry, lockout, asbestos removal, and manlifts. The course developers were selected skilled trades people experienced in training development. Course development involved task analysis of jobs with focus groups of targeted workers, foremen, and technical experts. The process involved both labor and management. (Just one detail of cooperation was that since there was access to the plants to film training materials, the training materials were better and more relevant to workers.) Training incorporates both classroom and hands-on workshop simulations with heavy emphasis on self-paced instructional techniques. The courses include a separate series of workbooks, one for each subject, as well as videotape presentations. By using these materials, participants can move through the program subjects at a comfortable and more absorbing rate which they themselves set. Other courses, expected to be available 1987 are: electrical safety, fall protection, robot safety, mobile crane safety, hazard recognition, and hazard communication.

The hazard communication instruction is delivered through nine laser disc programs—each dealing with a different issue. The laser discs are interactive, and the user can "communicate" with the system simply by touching the screen, thus receiving immediate feedback. In a recent survey of both union and management individuals, 90 percent said that in their opinion chemical hazards had decreased in their plant in the last year, and that hazard communication training and the hazard communication program were the most important reason for the improvements.[34]

An important part of each 5-day training session is training in instructional techniques, i.e., the training of trainers. This prepares participants for a role in health and safety training at their individual plant locations. In these classes and hands-on practice sessions, trainees are taught how to present materials to best inform other employees on health and safety matters. They receive special instructional materials, including an instructor's guide, course workbooks, and supporting videotape training aids to take with them to their home plant locations.

In the program's first year at the Madison Heights, Michigan, center, more than 1,400 employees representing 171 GM facilities completed the 5-day program.[35] Courses are developed and taught by skilled tradespeople for skilled tradespeople.

The cooperative work between General Motors and the United Auto Workers has led to the development of a large number of programs. In fact, occupational safety and health now is one of the major arenas of cooperative efforts. Many positive benefits to both workers and to the company from joint activities can be documented. The positive results and enthusiasm of the GM-UAW program could well be a model for joint labor-management efforts in other industrial settings.

Case Study 5

Labor-Management Participation as Outgrowth of New Management Style: Eugene Water and Electric Board

The 450 nonunion employees of the Eugene Water and Electric Board provide water and electricity to Eugene,

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[32]Interview with Dr. Steven Deutsch, consultant to ergonomics project, December 5, 1986.

[33]UAW-GM Human Resource Health and Safety Training Center, "UAW-GM Human Resource Health & Safety Training."

[34]Interview with Frank Mirer, December 16, 1986.

[35]UAW-GM Human Resource Center (Auburn Hills, Michigan), "UAW-GM Human Resource Center," 1986, p. 5.

Oregon.[36] The company is in a changing state, moving from a traditional management style to a more participative one. A new chief executive officer has brought in new ideas and new staff and begun a series of labor-management task forces to build cooperation.

The two task forces to date have studied personnel issues and developed policy recommendations on alternative work schedules and performance management systems. Prior to forming a task force, announcements are made in the company newspaper that a task force is developing and that anyone can apply. The applicant's supervisor is asked for comments and the executive group selects a representative cross-section of the organization—men and women, management and hourly, etc. Facilitators, consultants, and other resources are provided. To date, the results have been good. While neither task force is directly related to the prevention of injuries and illnesses at work, they could 1) be precursors of a similar task force for safety and health, and 2) lead to some important safety and health improvements.

The safety manager, before the advent of the "new management," tried a few times to develop labor-management committees but had not succeeded. Some now believe that a new attempt would be successful.

The task force on alternative work schedules precipitated substantial turmoil in the overhead line department, part of which led to safety improvements. As the task force work progressed, linemen began to ask why they were not included in the program. That feeling of exclusion served as a catalyst for discontent being articulated. There had not been good communication channels in the past, and concern generated by task force activities led to discussion among executive staff, linemen, and management from the electrical division (in which the overhead line department operates). A large meeting which listed grievances generated small group activities to foster rank order solutions and improved channels for communication. Beyond actions to eliminate a layer of management (the full foreman position was eliminated from the hierarchy), a task force on training was established for overhead line activities, and a substantial proportion of training concerns focused on safety.

In addition, each month the company holds safety meetings with all the operational departments. Meetings are held first thing in the morning on paid working time. The steam, water filter, and hydro plants operate on three shifts, but since workers rotate, they also can participate in the monthly meetings. The meetings are instructional in nature, and an outside speaker is usually brought in. After the formal part of the program, however, the session is open to questions and general discussion, and the subjects often range far beyond the topic of month. Asbestos and PCBs have been the topics of most discussion in recent months. Other major concerns are electrical safety and shoring in construction (for lines to new subdivisions and for the construction crew in the water department). The department and section managers are at the meetings as are the hourly employees.

In addition to the safety meetings, there is an active CPR training program, with trainers training in-house trainers.

Chief responsibilities, beyond the safety director, lie with the working foremen. But, safety responsibilities are decentralized as much as possible at the company. Individual workers serve as safety spotters, for example, with the truck driver spotting the two linemen.

While Eugene Water and Electric does not currently have an active labor-management committee system for occupational safety and health, it is an important example of those trends in U.S. industry to increase worker participation—trends which will generate cooperative problem solving across the spectrum of company issues, occupational safety and health included.

Case Study 6

A Special Tripartite Committee Influences Major Capital Investments: Asarco, the Steelworkers, and OSHA

In November 1982, representatives of Asarco, the United Steelworkers of America (USWA), and the Occupational Safety and Health Administration jointly signed an agreement setting forth feasible controls and practices to protect the employees of Asarco's Copper, Lead, and Zinc Smelter from excessive exposures to inorganic arsenic. The plant employs more than 800 steelworkers.

To be in compliance with OSHA's inorganic arsenic standard, Asarco's El Paso smelter required major capital investments for engineering controls as well as changes in work practice. Economic conditions made capital investment difficult, according to the firm. The very substantial health risks to workers made timely compliance with the inorganic arsenic standard an imperative.

The need for a new and creative solution to a difficult compliance problem is one that is constantly confronted in efforts to promote occupational safety and health—how to achieve compliance requiring substantial capital investment when the industry is facing economic hardship. Asarco, USWA, and OSHA worked hard to find a solution that would bring about compliance, but within the economic feasibility of the firm. If a tripartite agreement meeting the needs of all three parties was to be developed—with both enough flexibility to find agreement, and muscle to achieve compliance—all three parties would have to change their customary positions when faced with such a compliance problem.

From January 10 through January 15, 1982, a tripartite team visited the smelter: Melvin Cassady from OSHA, Michael Varner from ASARCO, and Michael Wright from USWA. Working to achieve compliance in the shortest feasible time required flexibility by all three parties. Asarco needed to agree to a schedule of compliance; USWA had to agree to a longer time-frame for full compliance; and OSHA had to agree to a waiver over specifically identified violations during the period of the agreement.

Great care was taken to work out specific written details on which job titles were covered, which citations under provisions of the inorganic arsenic or other applicable

[36]This case study is based on an interview with Mr. Ed Sheridan, Eugene Water and Electric Board, December 29, 1986.

standards would be precluded, which worker or government rights to initiate a plant inspection would be protected, what the relationship to the existing collective-bargaining agreement would be, etc.

The 37-page agreement, valid through July 1, 1987, was signed by the Assistant Secretary of Labor for Occupational Safety and Health, Asarco's Senior Vice President for Industrial Relations, and a USWA industrial hygienist.

Agreement on Controls

Controls were detailed for 18 different parts of the smelter. These were: the transportation department, mill department, yard department, lead sinter plant, lead blast furnace, lead dross reverb department, zinc fuming furnace, copper roaster, copper reverb department, copper converter department, copper anode department, copper acid plant, baghouse department, cottrell, antimony plant, cadmium plant, maintenance and power house, and supervisory group. For each of the above parts of the smelter operation, specific jobs were identified and control plans developed.

Controls ranged from those involving capital investments to agreements on sampling, hazard communications, housekeeping, better maintenance and repair, new training emphases, changes in the way some jobs are performed, and commitments to further study.

Capital Investments To Be Made

Consideration was promised for many investments, but commitments were made for others. These included:

—Paving the roadway west of the sample mill to reduce reentrainment potential.

—Improvement in or replacement of the computerized system for the car loader in the blast furnace, with a manual system operated remotely. (This system is meant to sense the load level and then activate the local exhaust ventilation.)

—An extension to the hood over the ignition area in the lead sinter plant.

—Upgrading the existing ventilation system on the blast furnace.

—Replacement of the sides of the hood for the converter slag return launder, a flange to the front edge of the hood, additional cover sections on the matte launder where appropriate, and a hooding and ventilation system on the launders for the slag tap area and holding furnace for the copper reverb department.

—Repair and upgrading of the existing ventilation system at the packaging station of the cadmium plant.

—Proper changing and showering facilities to be provided for baghouse personnel, including a downdraft booth to remove contaminants from work clothes.

Sampling Promised

Not only was sampling promised in a number of areas, but there were specific agreements about what capital investments or other approaches would be necessary if samples were above the permitted exposure level (PEL). Among the areas where sampling agreements were made were:

—Moisture sampling in the transportation department.

—The cabs of the payloader operator and cat operator; if they were over the PEL a significant amount of the time, a positive-pressure filtered air system would be installed. (Similar sampling and provision for positive-pressure filtered air systems were promised for many other job titles in several parts of the smelter.)

—Personnel in the mill department; if they exceed the PEL a significant amount of the time, Asarco will investigate the feasibility and effectiveness of a chemical dust suppressant system and modified work practices.

Improved Hazard Communication

For all jobs in the transportation department "high-arsenic materials will be identified before processing so that workers can take appropriate precautionary measures."[37] In particular, workers in the unloading building basement would be notified by the foreman before flue dust is dumped.

Improved Housekeeping

Examples from the agreement include:

—Asarco will maintain water truck activity to reduce dusting. The company also agreed to maintain water truck, sprinkling system, and vacuuming activity in the baghouse areas.

—Asarco will have the yard crew or other personnel clean all equipment before returning it to the tool room attendant, and proper facilities for such cleaning would be provided.

—In the blast furnace area, Asarco will ensure that, whenever possible, scrap is cleaned before cutting.

—Asarco will ensure that the janitor does not dry sweep the changeroom and lunchroom in the baghouse, but utilizes sweeping compound or water. In addition Asarco will make available appropriate brushes and require their use before entering the lunchroom.

—Crane and vehicle cabs and clean air stations will be cleaned no less than once each day that they are used in regulated areas.

Better Maintenance and Repair

Some examples from the agreement are:

—In the lead sinter plant, the sinter machine will be maintained under negative pressure. Inspection and access doors will be kept closed, replaced where necessary, and modified, where appropriate, to open upwards.

—In the zinc fuming furnace area, Asarco will make certain that vibrators for chutes are in place and that all leaks and holes in the system are repaired, welded, or otherwise patched.

—Asarco promised to develop and implement by April 1, 1983, a written maintenance program to ensure that deficiencies observed during an earlier committee

[37]OSHA, ASARCO, and USWA, "Engineering Assessment and Proposed Compliance Plant for ASARCO's El Paso Copper, Lead, and Zinc Smelter," November 19, 1982, p. 3.

walkaround were corrected. These deficiencies included deteriorated ventilation hoods and ducts, rubber conveyor skirting removed or not adjusted properly, and inspection or access doors removed or left open.

Additional Training Emphasis

In its training program in the lead sinter plant, Asarco "will emphasize the need to use and maintain equipment which affects exposure to arsenic, such as access doors, skirting, ventilation fans, and enclosures.[38]

Changes in Work Practice

Many changes in work practice can decrease exposure levels. Those identified and agreed to included:

—In the yards department, Asarco will stress that the track boss stand upwind during pouring, if possible.

—In the baghouse, Asarco will develop a work practice program for the tenders to minimize dust exposure and will develop and implement a work practice program for the helper.

—For the water treatment operator in the baghouse, Asarco will reevaluate the job to determine the source of exposure. If the exposure exceeds the PEL a significant amount of the time, the company will develop a work practice program.

—At the zinc fuming furnace, Asarco will evaluate and if necessary improve work practices and ensure that the exhaust ventilation is left on while working inside the furnace.

—In Cottrell, Asarco will develop a work practice program for the dust puller.

—The transportation laborer will be studied to determine the tasks that contribute significantly to his exposure, and an administrative work practice program will be developed based on the results of the study.

Commitments to Further Study

On many, many items of exposure to inorganic arsenic, the tripartite committee agreed that further investigation, study, and evaluation were needed. Sometimes a remedy was designated if the results should show excessive PELs. It was agreed that there would be a written report for each investigation undertaken by the company, which would be provided to USWA and to OSHA. Supporting studies and documentation would be made available to USWA and OSHA on request. When all three parties agree that a particular control is feasible, it will be installed and used at the earliest feasible time.

Some of the many areas for which commitments to further study were made include:

—The El Paso plant will wait for an evaluation of a newly redesigned pipe sampler at the East Helena, Montana, Asarco plant to see if it reduces exposure. If it does, the El Paso smelter will use it as well.

—Asarco will investigate the feasibility and effectiveness of additional automatic soot blowers to aid the boiler cleanup crew in the yards department.

—Asarco will evaluate the effectiveness of using fogging nozzles where appropriate during repair of the blast furnaces.

—Asarco will investigate the feasibility of relocating scrap burning to a less contaminated area.

Many studies were promised in the dross reverb department:[39] Asarco will study the dross reverb operation to determine the feasibility and effectiveness of (1) substantially replacing the present equipment, and (2) retrofitting controls on tap holes, charge ports, launders, and refining kettles. Asarco will also determine if a partition can be installed to isolate the dross/reverb department from the blast furnace department. Asarco will study the feasibility of redesigning the crane so that the craneman can change directions without reaching out of his enclosure. If necessary, the enclosure and pressurization system on the crane will be upgraded. . . .

—In the zinc fuming furnace:[40] In conjunction with the converter building control plan, Asarco will evaluate additional ventilation for the zinc fuming furnace, and investigate the effectiveness of ventilating the bumping block. . . .

—In the copper roaster:[41] Asarco is investigating the installation of a fan on the bypass to the main stack for use during roaster shutdown to prevent smokey conditions at the roaster feed and tripper floors. Asarco will also investigate the feasibility of installing a central vacuum system in the roaster department to help cleanup spills at the fire floor and tripper floor and, if it is feasible, install such a system in accordance with the priority system. . . . If these controls do not reduce exposures to below the PEL, Asarco will install a clean air station unless the parties agree that a different control would be more effective. . . .

—In the copper converter department, Asarco will evaluate the feasibility and effectiveness of secondary hoods for the converters and will investigate the feasibility of enclosing and ventilating the receiving ladle for converter boiler dust.

—In the baghouse, Asarco will investigate other methods to handle flue dust including, but not limited to, pneumatic or screw conveyance of flue dust directly from the baghouse. As interim or alternate methods, Asarco will investigate the feasibility of installing a remotely operated dumping system for cars at the dust bridge, using fogging nozzles during car dumping and/or enclosing and ventilating the dust bridge.

Timing, Progress Reports, and Future Visits by the Committee

Deadlines for compliance with agreed-upon provisions were established in some cases. Other items were part of a priority system, based on the number of workers exposed, the expected reduction in arsenic levels, and the cost for each control. All controls are to be completed by the end of the agreement, "unless the parties agree that a particular

[38]Ibid., p. 6.

[39]Ibid., p. 8.

[40]Ibid., pp. 8-9.

[41]Ibid., p. 10.

control is unnecessary, infeasible, or ineffective."[42] Any changes in the schedule would be listed in the company's quarterly report and would be discussed, upon request of either USWA or OSHA.

Control devices and other equipment which affect exposure to arsenic are to be inspected and tested on a regular schedule, with written reports provided to the parties. Any equipment in need of repair or cleaning will be attended to promptly.

Asarco will provide the parties with quarterly air sampling reports and progress reports.

Any party can request a tripartite visit to the plant to monitor progress with the agreement. The signatories of the agreement recommended that there be a tripartite visit before the July 1, 1987, expiration date and, if possible, the agreement be revised and renewed.

The Agreement Has Been Responsible for Safety and Health Improvements

Visible at the El Paso plant are many clean air stations where workers can take breaks and breathe clean air. The increased attention that has been given to work practice and housekeeping are evident. Much of the equipment is in better working order, with tighter hoods and better ventilation.

Some innovative capital investments have been made. One example provided by USWA official Michael Wright emerged from the tripartite agreement signed at the East Helena smelter of Asarco; it was based on the same type of process already underway in El Paso. In order to contain fumes from an open lead pot that had to travel several hundred yards by locomotive to the refinery, a portable ventilation system was developed, similar to a small baghouse on a railroad car that connected with a hood to the lead pot. Four or five prototypes were tried before a successful one was developed, but the problem of serious lead fumes has been taken care of.

Has the Agreement Affected Labor-Management Relations Beyond Occupational Safety and Health?

Union representatives involved in the tripartite agreement and in collective bargaining are the same. However, company officials involved in the tripartite agreement were from the safety and health department; those involved at the bargaining table are from the labor relations office. Each report to different vice presidents, and so the potential for continuity in this specific case is not achieved.

The El Paso Agreement Served as a Model for Other Agreements

Five similar tripartite agreements were also signed by the three parties—covering arsenic at the Takoma Smelter (which has since closed); arsenic at the Hayden Copper Smelter in Arizona; lead at the Glover Smelter in Missouri; and both lead and arsenic at Asarco's plants in East Helena, Montana, and Omaha, Nebraska—bringing the number of workers covered to approximately 3,000.

And, there is a possibility that a type of tripartite agreement may be used in the secondary lead industry and the lead battery industry. Meetings were held with OSHA, the Secondary Lead Smelter Association, the Battery Council International, the United Steelworkers of America, and the United Automobile Workers. Together they wrote lengthy compliance manuals for the two industries, and based on them, OSHA developed a compliance directive. OSHA's Cooperative Assessment Program (CAP) then became available to companies that underwent a comprehensive inspection, were found to have no serious violations, and developed a company compliance plan. A few companies have signed agreements with OSHA, and a few more are pending.

There are some indications that the CAP program in the lead industry may have been thwarted by the reaction of some companies to the numbers of citations they received during their comprehensive inspections. Because it is a CAP requirement that no citations be under appeal, if a company is a CAP participant, these companies felt they could not appeal. It has been suggested that the number of citations may have been especially large because OSHA area directors do not particularly like the CAP program, a program that takes away some of their authority.

There is a possibility of a tripartite agreement in the steel industry over compliance with the benzene standard. While petroleum refining, the industry most affected by the benzene standard, can usually reach the compliance level, the coke by-products industry has a serious compliance problem, with benzene levels as much as ten times higher than allowed. Preliminary discussion toward developing a joint agreement in this area is a possibility.

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[42]Ibid., p. 20.

Chapter 5

Opportunities for Growth of Labor-Management Committees for Occupational Safety and Health

Passage of the Occupational Safety and Health Act of 1970 and the subsequent establishment of the Occupational Safety and Health Administration put into motion the initiation of many new safety and health programs across the country. Among these were hundreds of newly formed joint labor-management committees and hundreds more that were strengthened. According to research done in the mid-1970s at Cornell University's School of Industrial and Labor Relations:[1]

> We were consistently told that, since the passage of the 1970 legislation, management has assigned a higher priority to plant safety, the ability of the union to influence management decision making on safety issues has increased, and the role of the union-management safety committee has been bolstered.

Before the OSHAct, "joint safety and health committees were largely ineffective and difficult to keep active over time."[2] Afterward a wide variety of joint committees emerged. Some continued to be largely ineffective; some took on more meaningful tasks. New opportunities for these committees to promote occupational safety and health arose from the new regulations promulgated by OSHA, but also by the increased awareness and focus that the OSHAct and OSHA gave to safety and health problems.

Maximizing the Opportunities

At least four questions need to be answered before opportunities for promoting joint committees can be fully utilized:

1. What determines how various joint committees utilize the opportunities provided by the enactment of the OSHAct and the establishment of OSHA? With provision of safe and healthful workplaces the law of the land, many workplaces for the first time formalized comprehensive corporate responsibility for safety and health. As a result, for some of these companies new corporate institutions came into being—from OSHA recordkeeping to joint committees to on-site industrial hygiene.

Whether pre-existing or new, joint committees have often become a focal point of discussion on safety and health. Management has often raised questions of worker compliance with basic safety rules—housekeeping, consistent use of personal protective equipment, safety awareness, and general alertness. Workers have often raised such issues as the need for safety and health training, for better maintenance of equipment, for better air quality, and for lower noise levels. Joint Committees have been a forum for management to express its frustration with employees who refuse to wear goggles and for labor to express its frustration with the lack of machine guarding on dangerous equipment. They have been a forum for the lack of faith that each might have had in the other to surface. "Workers won't comply with company safety policies." "Management won't comply with basic safety guidelines."

A joint committee bogged down in adversarial confrontation was unlikely to utilize new opportunities provided by the enactment of the OSHAct and the establishment of OSHA. More use of worker complaints to OSHA or grievance proceedings or no action at all could be the result. Where problems of attitude and trust can be overcome, or at least neutralized, better opportunities for safety and health improvements exist.

Committee members might become front-line elements of a safety and health program by investigating accidents and doing walkaround inspections. If there is a company budget for safety and health and the joint committee has some leverage over the use of funds, the committee might proceed from general recommendations to recommendations based on detailed consultant reports or to preparation of training materials and carrying out the training, etc.

2. What activities could management and labor agree were most appropriate for joint committee action? Where there is a collective-bargaining contract, the process of negotiations establishes roles for joint committees. Where there is not a collective-bargaining contract, appropriate activities for joint committees must be developed, often through consensus.

Heightened awareness to occupational safety and health problems—both among workers and within the ranks of management—is an important and logical activity.

Discussion of worksite problems and recommendations for corrective action are also logical activities. So too is review of the company's safety and health record, with an eye toward giving perspective to the company's overall performance.

A big question is whether joint committees should utilize the cooperative process to do more than review, comment, and make recommendations. Most do not. Management is often cautious about giving up any traditional management prerogatives. Labor is often concerned about incurring potential liabilities if some of its members are empowered to carry out safety and health tasks that are the responsibility of management.

As a result, any general national move toward empowerment of joint committees for occupational safety and health, in the United States, has been slow at best. Few if any committees have the authority to hire and fire a company's safety and health personnel. (In Sweden, by contrast, all committees have this very significant power.) A

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[1]Thomas A. Kochan, Lee Dyer, and David B. Lipsky, *The Effectiveness of Union-Management Safety and Health Committees*, The W.E. Upjohn Institute for Employment Research, Kalamazoo, Michigan, 1977, p. 5.

[2]Ibid., p. 1.

few committees have the authority to shut down an unsafe process or machine, but not many. (In Sweden all committees are so empowered.) Many joint committees have the authority to investigate accidents, but they are not in the majority. Doing walkaround inspections is not rare, but they are rarely unannounced.

Where a joint committee has functional responsibilities beyond reviewing, commenting, and making recommendations it is most often in the area of safety and health training. There are many very significant examples of joint committees doing excellent work in this important field.

While examples of actual change, away from unsafe and unhealthful work practices, that can be attributed to joint committee activities are a good bellwether of the usefulness of the joint committee, joint committees are rarely change agents in and of themselves. They are more often forums for discussion and mechanisms to promote understanding and attitude change.

3. With what, if any, powers should these committees act? From a management perspective, advisory committees are usually preferred. In the training field, though, some companies are coming to believe that the dual perspective of management and labor together can provide training and training materials to which shop-floor workers are more likely to respond. Good examples of such joint training exist in the auto industry where collective bargaining with the major companies and the UAW has led to contracts with negotiated joint training funds. Courses are taught by joint management-union teams. More than training is the result. According to one safety engineer from Ford, "It's bringing us together and that's no joke. We're reinventing employee involvement here."[3]

Some of the powers most commonly discussed, at least within organized labor, are:

- Full access to information and to the worksite,
- The right to investigate an accident immediately,
- The right to shut down unsafe processes and/or equipment,
- Control over budget resources to promote safety and health activities, and
- Responsibility for hiring and firing the company's safety and health personnel.

The first two of these are increasingly becoming part of the powers of many committees. The second two are often, in organized workplaces, the subject of negotiation. The fifth, at present within the U.S., is little more than rhetoric used to illustrate how important such personnel decisions are.

4. What incentives would impel labor and management to work cooperatively to resolve occupational safety and health problems? There are at least four basic underlying premises to the entire concept of cooperative problem solving in safety and health, in fact for any cooperative problem solving:

- There must exist some degree of trust and communication and trust between the parties.
- There must be a perception of common goals, i.e., the elimination of hazards and the reduction of workplace injuries and illnesses. (Elimination of hazards and reduction of injuries and illnesses are not the same. If employees are working toward the former and employers are focused on the latter, efforts at cooperative problem solving may have limited success.)
- Each party must fully acknowledge the high cost of injuries and illnesses. To employees the cost is personal, it is the actual injury or illness itself, in addition to financial costs and the human pain and suffering. To employers the costs are different, but also substantial. Accidents and illnesses can be extremely expensive business costs. In the construction industry, for example, the Business Roundtable has estimated that a significant 6.5 percent of the annual value of construction was spent on construction accidents, accounting for nearly $9 billion in 1978 in that industry alone.[4] Each must understand the full implication of costs to themselves as well as to the other party.
- Both parties must fully acknowledge the critical role of that they play in carrying out a successful safety and health program, and they must fully acknowledge the critical role of each other.

These four basic concepts focus on attitude. Without proper attitude, all the money and time and collective-bargaining language in the world will not "add up" to a successful effort in labor-management cooperation. There must be incentives to foster these strong positive attitudes—and top management must be involved in establishing them.

Enhancing Management's Perspective on Labor-Management Cooperation for Safety and Health

Labor-management cooperation in a nonunion company is very much at the discretion of management. Formation of a committee is often seen as an opportunity for improved communication and strengthened commitment toward the common goal of fewer accidents and job-related illnesses. In an organized plant, the formation of a joint committee must be by mutual consent and is likely to be part of a far more complicated balancing act in a far more institutionalized set of relationships.

There are three specific operational incentives for management to pursue joint committees for safety and health:

1. Obtaining compliance of workers. The first major incentive to management for pursing joint committees for safety and health is to obtain labor's cooperation and active participation in achieving worker compliance with wearing personal protective equipment and following general housekeeping rules. The incentives here are many—from basic concern about the welfare of one's employees to concern about the costs to the company from accidents and illnesses and wanting to achieve compliance with OSHA regulations.

Whether or not there is agreement on personal protective equipment as the method of choice for abating hazards, no one would argue that many accidents and hazardous

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[3]Darryl Poldar, cited in *Detroit Free Press*, February 17, 1986.

[4]Business Roundtable, *Improving Construction Safety Performance*, *Report A-3, 1979*.

exposures would not be eliminated if workers would wear hats, gloves, boots, glasses, earplugs, and respirators when they are mandated. Without the cooperation of each and every worker as well as the cooperation of an employee group, such compliance is difficult at best—especially when the equipment interferes with job performance and personal comfort. The discipline problems can be significant. Most people would view voluntary compliance as the preferable method for achieving full use of mandated personal protective equipment.

Similarly, compliance with housekeeping standards relies largely on worker cooperation. Many accidents come from wet walking surfaces or materials being stacked in areas which limit vision and mobility. Many hazardous exposures come from less than vigilant compliance with showering and laundry guidelines, or from insufficient hand washing or eating in areas where there is contaminating dust. While much of the responsibility is with management to provide, for example, sufficient time and labor for housekeeping and adequate showering, laundry, washing, and eating facilities, much of the burden of compliance also lies in the cooperation of the work force.

2. Decreasing the direct and indirect costs of accidents and illnesses. The second major incentive is that improving safety and health often reduces company costs in several areas. These cost reductions may include lower rates for workers' compensation or other third-party insurance, less lost work time, and lower first-aid costs. A company may also find that fewer accidents mean fewer equipment repairs and fewer shutdowns of the production line. Safety pays, and this has been shown time and again in the literature. Some companies believe that joint committees are an important part of achieving this. They certainly could be, if the right combination of attitude, structure, and function exists.

3. Exemption from inspection. A third major concrete incentive to management for forming a joint committee is one currently offered by OSHA through its Voluntary Protection Programs: to eliminate general schedule inspections for those plants that combine an excellent safety record with the existence of a joint labor-management committee for safety and health.

Union Perspectives on Joint Committees are Quite Complex

Organized labor handles safety and health issues in a variety of ways, and utilizes a number of different types of union health and safety structures.[5] Some appoint full-time safety officers with the status of union representatives who regularly investigate health and safety complaints and problems on the job. Other unions establish health and safety committees in their locals, and, within each individual plant, they meet regularly with employers to resolve problems. Still other unions participate in joint labor-management health and safety committees. Some unions rely on their established grievance machinery and shop-stewards system to deal with health and safety problems. Many use a combination of the four structures, and see joint committees as limited, at best, in their ability to resolve difficulties.

A 1980 study of the views of trade union representatives found considerable hesitation among those who had experienced joint committees in relying on them for important improvements:[6]

> ...most of the interviews yielded little that was positive in regard to current joint efforts by labor and management. While there are more and more joint committees and more activity—and while management now has more contact with the unions about safety and health—the thrust of the interviews is that the union spokesmen feel that management does not accept the union as a co-equal even where there are joint committees, and little that is truly significant is accomplished as a result of these committees—as distinct from what is accomplished by virtue of the existence of OSHA.

All union spokespersons interviewed for that study were opposed to strengthening the role of the joint committee if it also meant some reduction in the involvement of OSHA.[7]

Nonetheless, the establishment of effective joint committees is a goal of many major unions. The International Brotherhood of Electrical Workers, for example, in its Health and Safety Handbook, states: "Joint Labor-Management Safety Committee shall be established by collective-bargaining agreement language, and the language should indicate the size, scope, and functions of the joint committee."[8] Why joint committees? In the union's words:[9]

> In order to secure and maintain a working environment that is safe for the well-being of our members, the full cooperation of everyone is needed. This cooperation includes those in management from their top officer down to the first line of supervision, the officers of the local union and each individual member.

There is no uniform agreement as to what method of union organization in the area of safety and health should be. Each of the four methods listed above has the potential to be effective within a given setting. According to research at the University of California at Berkeley,[10] what seems to be the real key in union efforts to improving health and safety on the job is for the union to have a plan and a set of objectives and goals to actively pursue, with the broadest support possible of the membership. Whatever the structure, it seems to be essential for safety representatives to function independent of the employer and formulate their own agenda and approaches to employers. While a nonadversarial atmosphere would be ideal, there also needs to be an orderly

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[5]Paul Chown, "Workplace Health and Safety: A Guide to Collective Bargaining," Labor Occupational Health Program, Center for Labor Education and Research, Institute of Industrial Relations, University of California, Berkeley, 1980, pp. 61, 62.

[6]Ruttenberg, Friedman, Kilgallon, Gutchess & Associates, Inc. for the Occupational Safety and Health Administration, "The Views of Trade Union Representatives Concerning Labor-Management Safety and Health Committees," Contract No. J-9-F-0-0119, November 17, 1980, p. 6.

[7]Ibid., p. 12.

[8]International Brotherhood of Electrical Workers, "Safety Committees, Section III," *IBEW Health and Safety Handbook*, p. 1.

[9]Ibid.

[10]Ibid., p. 62.

method for resolving differences between the union and employer, and many unions doubt the efficacy of a joint committee in attempting to perform this function.

Many unions would argue for the need to have an independent group of union safety representatives recognized by the employer in order to clearly delineate the employer's sole responsibility for providing a safe and healthful place to work.

The chief complaint of many workers who serve on joint labor-management committees is that these committees are often cosmetic, or that they are so dominated by the employer that they cannot be effective, or that the employer representatives lack real authority to accomplish change.

Those Safety and Health Issues Well-Suited to Resolution by Joint Committees

Those safety and health issues well-suited for resolution by joint committees, as most committees are currently constituted, are those that involve worker behavior and the setting up of an infrastructure for safety and health work. These include, but are not limited to:

— Cooperation on the use of personal protective equipment when necessary.

— Cooperation on housekeeping procedures.

— Where, and where not, to eat lunch.

— Where to post notices.

— Guidelines for air sample monitoring.

— Guidelines for a medical surveillance program.

— Establishment of a hazard recognition and labelling program.

— Development of training programs, both for line employees and for committee member.

— Establishing lines of communication.

— Conducting regular joint inspections of the workplace.

— Serving as a general watchdog for safety and health in the plant.

— Reviewing injury and illness statistics of the plant.

— Making recommendations.

— Being involved in accident investigations.

— Addressing such specific problems as: keeping bus driver seats in good repair, keeping vehicle windows clean, not blocking space inside safety lines, assigning clear responsibility for maintenance of firefighter respirators.

All of the above cited examples are important. All are necessary issues around which solutions must be fashioned for a successful occupational safety and health program. But they are an insufficient collection of problems to be the focus of health and safety activities.

Eliminating hazards, or at least abating them, is the work for creative engineering and science. It involves planning, designing and redesigning, and capital investment. Besides technical expertise, what is needed is the practical expertise that workers have from being in the workplace day in and day out. If discussion is relegated to behavior and housekeeping and process, a step forward will have been taken, but it should not be confused with an aggressive mechanism for resolving significant numbers of significant safety and health problems in the workplace.

In some countries, safety and health joint committees operate differently than in the United States. In Sweden, for example, joint consultation has evolved into joint decision making, with a true redistribution of workplace power.[11] In fact, in Sweden, labor-management safety committees must include one more worker than management representative, and these worker-dominated committees are given specific independent powers, including the supervision of company safety officials. Committee members are given extensive training by their unions at employer expense, and the government provides technical support as well as enforcement assistance.[12] In Saskatchewan, safety committee minutes are submitted to the government so committee activities can be monitored and government inspection resources efficiently allocated. In both Sweden and Saskatchewan, workers have a clear, unencumbered right to refuse unsafe work.[13]

Other powers of Swedish joint labor-management committees for occupational safety and health include the right to:[14]

— Veto any plans for new machines, materials, or work processes for health and safety reasons.

— Decide how to spend the company health and safety budget which is generally negotiated through local bargaining.

— Approve the selection and direct the work of the company doctor, nurse, safety engineer, or industrial hygienist.

— Review all corporate medical records, monitoring results, and other information on hazards.

— Shut down dangerous operations until the hazards can be corrected. Individual workers also have that right.

— Decide how much time they need to do their safety committee work, all of which must be paid for by the company.

Training for workers on the committees is paid for through a national Work Environment Fund, financed by a 0.1 percent payroll tax on all employers. Training is conducted by the unions, using materials developed by the unions themselves and by labor-management safety councils.

These Swedish committees are very different from all joint committees in the U.S. It could be instructive to do an in-depth comparison-contrast of typical Swedish and U.S. committees to see if there are any lessons to learn from the Swedish model.

Since seeking cooperation, making recommendations, and planning training are areas which share broad consensus, they are probably the most amenable broad categories of joint committee function in the United States. These three areas present joint committees with very significant workloads in many plants, but they also put the committees

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[11]Andrew Martin, "From Joint Consultation to Joint Decision Making: The Redistribution of Workplace Power in Sweden," *Current Sweden*, No. 111, Swedish Institute, April 1976, p. 1.

[12]American Labor Education Center, "Labor-Management Health and Safety Committees in Sweden, West Germany, Austria, and Saskatchewan, Canada, Draft," prepared for OSHA, June 1980, p. 4.

[13]Ibid.

[14]Ibid., pp. 8-9.

in a position of being indirect rather than direct change agents. The committees themselves are not responsible for settling safety and health disputes, for preventing unsafe machinery from being used, for selecting the company's safety director or doctor. Not having line authority or decision-making powers seems to be the most typical "U.S. model," if indeed there is one.

Such a "model" gives committees ample opportunity to grow in environments where consensus is possible or where recommendations are seriously considered. In traditional settings of adversarial labor-management relations, such advisory committees are unlikely to be influential. In companies with a more cooperative atmosphere, they may or may not play a significant role in the safety and health activities in a company.

Joint labor-management committees for occupational safety and health are the fastest growing of all U.S. joint committees. Most play a useful role in the overall safety and health program of a plant, but few are a major force. If the work of joint committees is most appropriately to review, comment, and recommend, then their growth can continue constructively along many currently operating patterns. If achievement is to be a measurement of success, then many institutional barriers which currently thwart their levels of achievement need to be overcome before joint committees can truly grow and prosper.

Chapter 6

Institutional Barriers That Discourage the Use of Joint Committees

There are institutional barriers that discourage the establishment of joint labor-management committees for safety and health, and there are institutional barriers that discourage their effective functioning once they are established. Lack of commitment to solving occupational safety and health problems is the most basic barrier. For management, until the creation of OSHA and the rise of third-party liability suits, there was rarely a perceived financial interest in pursuing solutions to safety and health hazards. And, management has traditionally opposed joint committees as yet another tool for limiting managerial discretion at the workplace and for expanding union influence.[1] For employees, issues of job security or wages have often overshadowed problems of safety and health. Union leaders have shied away from widespread acceptance of labor-management committees largely because of the advisory nature of such bodies. They also may fear getting co-opted into the management decision-making process and losing contact with rank-and-file members.[2]

Barriers Against Establishing Committees

Longstanding adversarial relationships between the parties make acceptance of a cooperative approach to problem solving difficult at best. There is often a significant amount of distrust between the parties as a result of long years of conflict. Managers often report a fear of losing prerogatives in decision making, doubts that workers can make worthwhile contributions, and concern that giving workers a voice will strengthen the union's position.[3] Many unions see joint labor-management committees as a mechanism to circumvent the union or even weaken its jurisdictions and power. Within unions there may be substantial internal political concerns about the authority of the joint committee members vis-a-vis the business agent and elected leadership.

The structural nature of an industry may present problems in organizing and establishing joint committees. In the building trades, for example, effective joint committees require a structural form that encompasses more than just a single project site and an individual craft, since sites involve many crafts and each job is of a short-run nature. As a result, joint committees usually need to be multi-craft and multi-employer, or based on an area, with some means of adequately policing each site and stage of construction. On the union side, this usually means the involvement of the local building trades council.

Another issue that has the potential to cause unions to back away from joint committees is potential liability. In some cases management is proposing that, in exchange for a joint safety and health committee, the union agree to a joint liability with management.[4] One solution to the problem of union liability, at least from the perspective of the union, is to bargain for contract language which would relieve the union of any liability in connection with plant safety and health conditions. An example of such language, from a companywide agreement between the Steelworkers and Bethlehem, is:[5]

> It is agreed that the Union's Safety and Health Committee acts hereunder exclusively in an advisory capacity and that the International Union, Local Unions, Union Safety and Health Committees, and their officers, employees, and agents shall not be liable for any work-connected injuries, disabilities, or diseases which may be incurred by employees.

Clearly though, a union must have sufficient clout at the bargaining table to succeed in obtaining such language. When economic times are bad, either in the general economy or within a specific company, job security and wages often take priority over other issues, even those as important as safety and health. Therefore, job insecurity, declines in real wages, and high levels of unemployment are economic problems of employees that must be overcome within a company before a committee can be expected to form or carry out meaningful work. From the company's perspective, failing productivity, lack of investment funds, lack of innovation, rising tax burden, restrictive monetary policy, high interest rates, and trade deficit problems can be serious obstacles to giving safety and health a high priority on the corporate agenda.

Although employees and their employer would appear to have common goals in solving workplace safety and health problems, research has shown that, even when both parties are committed to saving lives, the interaction process is highly complex.[6] Because the use of negotiating strategies is the most developed and formalized approach that unions and management have of resolving difficult issues, even committees that have existed a long time may often find themselves departing from cooperative problem solving.

Inability to resolve the structure of the labor-management committee can work against its very creation. The major issue is usually establishing some semblance of equality between the parties, i.e., equal numbers of members

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[1]Occupational Safety and Health Administration, A Concept paper, "A Labor Department Research and Demonstration Program for Union-Management Safety and Health Committees," p. 2, attached to Memo from Eula Bingham to The Secretary, May 9, 1980.

[2]Ibid.

[3]Batt and Weinberg, p. 103.

[4]Ruttenberg, Friedman, Kilgallon, Gutchess..., p. 18.

[5]Cited in Ibid.

[6]Kochan, et al., pp. 37, 80.

from each side and either cochairs or a rotating chair. Another major issue is time and pay for employee representatives performing committee responsibilities. It is unreasonable to expect active employee participation if committee responsibilities must be carried out outside of an individual's own working time. On the management side, of course, is the concern for loss of productivity due to meeting time, inspection, monitoring, and administrative time.

Barriers That Limit the Effectiveness of Existing Committees

Clearly, any barriers that can prevent the establishment of a committee, can also work against the effectiveness of an established committee.

When safety and health is not a top management priority, a joint committee has a weak mandate from which to operate. The attitude and commitment of the top plant manager to safety and health issues is the most important determinant of the effectiveness of the joint committee, according to a survey of several union representatives on joint committees.[7]

The lack or perceived lack of authority of representatives to make decisions on behalf of those they represent can end aggressive efforts for cooperation before they begin. If management representatives are not at a high enough organizational level to be perceived as having authority and power, then their ability to work out solutions to tough problems is undermined. Employees often feel that without the authority to red tag dangerous equipment—that is, to remove dangerous equipment from operations until its safe use is restored—and without authority to "stop the line" in situations of imminent danger, that they lack sufficient clout in dealing with management.

The lack of experts and full information is one of the chief barriers to effective joint committee work. There is a need for at least two types of expertise. First, representatives on the committee need expertise of their own. Safety and health professionals within the company usually serve as part of the committee's management team. Among employees, it is often deemed important to have representatives from a variety of trades and a variety of plant departments so as to have broad knowledge of existing problems. The second type of expertise needed is a cadre of technical consultants, who are viewed as "neutral" by the parties, to aid in deliberations over issues of health, engineering, etc. The National Joint Committee of General Motors and the United Auto Workers has appointed such an expert "neutral" advisory panel of technical experts. Information which a committee needs, at a minimum, includes monitoring and inspection data and the identity of hazardous substances to which workers are exposed. Access to financial data and corporate plans are also considered important by many existing committees, since major progress toward safe and healthful workplaces usually involves expenditures of money and alterations in some aspects of the plant and its equipment.

The lack of discretionary budget for committee activities is seen as a barrier to serious problem solving by many. Money may be needed, for example, to hire technical consultants. Money also may be needed for surveys, screenings, safety and health promotion, training, or actual capital investments in equipment.

Another barrier, if it was not sufficient to stall the establishment of a joint committee altogether, is the lack of paid working time for committee members to carry out their responsibilities.

Related to paid working time is the issue of allocating sufficient time to representatives to perform their functions. Regular joint inspections, for example, are extremely important if committee members are to be actively involved in safety and health improvement. Inspections take time. And, because inspections need to be made on all shifts, representatives may require compensatory time.

Training for all committee members is essential, but often lacking. The safety and health field is highly technical. Management and labor members alike often have a lot to learn if they are to be effective in their committee service.

Many aspects of committee structure can pose serious barriers to effective action. These include:

— Infrequent meetings or meetings without a regular schedule. Research by three Cornell University professors found a "relatively strong positive relationship between the strength of the union in the plant and the frequency of committee operations."[8] And the researchers pointed to greater numbers of recommendations coming from committees which held more frequent meetings:

— Lack of formal and complete committee meeting minutes.

— Not using committee meeting minutes to monitor progress, or lack thereof, toward resolving specific hazards.

— Lack of adequate reporting of management to its personnel, be they foremen or executive officers; lack of adequate reporting of employee representatives to their colleagues. Suggestions for incorporating health and safety activities into local union meetings include: giving reports on accidents and illnesses since the last meeting, asking members for their suggestions on prevention, showing a safety or health film occasionally, displaying safety posters and slogans, giving reports on special projects of the safety and health committees, and reporting any OSHA activity on company property.

— Lack of adequate contract language, when a union represents the employees. But, negotiating adequate contract language on the structure and function of a joint committee is only one of the first steps in implementing an ongoing effective joint program.

— Lack of clear separation of the joint committee structure from the collective-bargaining process. The temptation of the parties to turn the committee into another collective-bargaining forum needs to be overcome. Clear demarcation of jurisdictions between the joint committee and the grievance process is essential.

In the United Kingdom, where joint safety committees are mandated whenever two or more safety representatives request the employer in writing to establish a committee, the government has established "guidance notes," among which are some helpful suggestions on ways to overcome some

[7]Ibid., p. 18.

[8]Ibid., p. 42.

common institutional barriers. The following excerpts are all suggestions that apply equally to the U.S.[9]

— Although the relationship of the safety committee to other works committees is a matter for local organization, it is necessary to ensure that the work of the safety committee has a separate identity, and that safety matters do not become interposed in the agenda for other meetings.

— Safety committees are most likely to prove effective where their work is related to a single establishment rather than to a collection of geographically distinct places.

— The effectiveness of a joint committee requires speedy decisions by management on the committee's recommendations, where necessary promptly translated into action and effectively publicized.

— Meetings should not be cancelled or postponed except in very exceptional circumstances. Where postponement is absolutely necessary, an agreed date for the next meeting should be made and announced as soon as possible.

— The dates of the meetings should as far as possible be arranged well in advance, even to the extent of planning a program six months or a year ahead. Notices of the dates of meetings should also be published where all employees can see them. A copy of the agenda and any accompanying papers should be sent to all committee members at least one week before each meeting.

Differing Perceptions of Management and Labor Toward Joint Committees

Beyond differing approaches to solving safety and health problems are the differing perceptions of the role of the joint committee. There are at least three important areas of differing perception:

1. The power of the committee. Employees usually want decision-making authority for the committee, whereas management usually prefers a more advisory role.

2. The place of grievances over safety and health. Organized employees usually insist on maintaining the integrity and authority of the formal grievance and arbitration procedure which is part of the collective-bargaining contract. Employers often wish to have the joint committee become a mechanism for resolving grievances. In some plants, the joint committee hears the initial problem, and only if it is unable to resolve the problem (often requiring a unanimous vote of the committee), does it become part of the formal grievance mechanism.

3. The role of the union in employee representation. Sometimes the union views the joint committee structure as a method of circumventing the union and its jurisdiction. Sometimes the union views the joint committee as an effort to weaken the union or even "bust" it. National and international unions sometimes see the use of joint committees in nonunion plants more as efforts to keep unions out of the plant than as mechanisms to promote safety and health.

Two Major Policy Issues

There are two major policy-level questions about barriers to effective joint committeese from being effective.

1. Should joint committees be strictly advisory or should they also have decision-making authority? While it may be useful to have a labor-management committee which makes recommendations to management on occupational safety and health problems, the momentum of committee members may wane if there is not a strong connection between the recommendations and actions. Some decision-making authority is usually seen as preferred. Problems, however, of potential union liability over decisions need to be resolved.

2. Is an organized group of employees an essential prerequisite for an effective commmittee? In nonunion environments, most answer in the negative; in organized environments, most individuals answer in the positive. Clearly without the protection of a collection-bargaining contract and a grievance procedure, employee representatives have little or no recourse when the joint committee cannot resolve a problem. Many nonunion companies have joint labor-management committees for safety and health. They may be able to focus on cooperative problem solving, without some of the history of adversarial relationships. But, to the extent that adversarial feelings are present, there is no ready mechanism for resolving them. They also may be relegated to planning activities for safety week or playing policeman for compliance with wearing safety glasses, while avoiding any of the really tough issues of workplace hazards. In a survey by the American Center for the Quality of Work Life,[10] as a general rule, nonunion organizations perceived their employee-management safety and health committees to be more effective than unionized organizations perceived their union-management committees. Whether this was as a result of objective differences in the committees or the result of differing levels of expectations of the two groups is unclear. Most, however, would argue that there is a role for countervailing power if one expects to find solutions to tough problems.

Differing Priorities of Management and Labor That Pose Barriers to Effective Joint Committees

Management and labor may have differing priorities in the area of safety and health. They may also have differing priorities in other aspects of plant operation that affect the efforts of joint labor-management committees.

While it is, of course, impossible to generalize to all plants and across all safety and health problems, management and labor quite often take differing views of the same safety and health problem. Sometimes they cannot even agree on what the problem is.

Often one of the first efforts made by management to resolve a safety or health hazard in the workplace is to require workers' use of personal protective equipment, i.e.,

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[9]Health and Safety Commission, "Safety representatives and safety committees," London, 1977.

[10]American Center for the Quality of Work Life, "A Few Highlights, From the Preliminary Findings of a National Occupational Safety and Health Survey Conducted by the American Center for the Quality of Work Life in April, 1984."

hats, gloves, boots, glasses, respirators, earplugs, etc. While providing protection, such equipment is often cumbersome and uncomfortable. It may not fit well, and can in turn cause new hazards. For example, earplugs can cause ear infections or keep an individual from hearing the warning of a fellow worker; poorly fitting glasses or respirators can cause skin irritations. In union circles, the above is called "fixing the worker," in contrast to their preference for "fixing the workplace." Whether to control a hazard after it has been created, or instead to prevent its very creation through engineering controls at the source, is a fundamental issue over which labor and management often disagree.

The issue of personal protective equipment is even more complex. Workers do not, as a rule, like to wear it. Because it is often cumbersome and uncomfortable, it can interfere with an individual's ability to perform his/her job with dexterity, as well as cause sweating, muscle tension, itching, etc. One approach to achieving worker compliance with personal protective equipment rules is through discipline; another is to try to understand the source of the problem and work harder for good fits, comfort, and engineering solutions where possible. Management most often seeks the former approach; employees the latter.

Who develops safety and health training materials and who does the training is another frequent subject of controversy between labor and management. Materials and trainers tend to be from management or labor education programs. The new GM-UAW safety and health training center, however, has training done by workers themselves. In Sweden, training is conducted by unions with materials developed by unions. It takes substantial resources, which workers and their organizations rarely have, to develop materials and become trainers. But there is evidence that workers learn better from people they trust and those trusted people tend to develop materials that workers can better relate to.

Within management, the degree of priority given to safety and health is often a matter of some controversy. The necessary vigilance over productivity, especially as measured by unit labor costs and speed of the line, can be a counterpressure to safety priorities. (Increasingly, however, management experts are realizing the very high costs associated with occupational injuries and illnesses, as well as some of the productivity-enhancing aspects of control technology which protect workers from exposure to hazards.)

The organizational place of safety and health efforts in a firm is also very important. Sometimes there is a special safety and health department, sometimes safety and health is the responsibility of the personnel director or the plant manager. Sometimes occupational safety and health is handled by the same individual responsible for environmental controls. It is important to involve both those with technical expertise and those with decision-making authority, and these two talents do not often reside in the same individual.

Within an employee group, there may be conflict over who should take the leadership in a labor-management committee for safety and health, i.e., the safety and health representative, the local's leadership, or the district business agent. Similarly, people within a union may have differing perspectives on how safety and health grievances should be resolved, with the grievance chair probably wishing to maintain full jurisdiction over disputes.

Within the United States, over many years, labor and management have created dozens of barriers that discourage cooperation. Adversarial relationships have been formalized and cooperative relationships by-and-large are left undeveloped. It will take time to build trust between the parties, but as long as institutional structures contain barriers to cooperation, labor-management committees for occupational safety and health are unlikely to be major vehicles for resolving tough problems.

There needs to be a recognition of those issues for which labor-management committees for safety and health are best suited, and to use this recognition to establish a track record of success and to focus committee efforts on issues that committees can be expected to resolve. Perhaps in some Western European nations where there is a history of codetermination over many years involving many aspects of corporate affairs, joint labor-management committees can take on major issues of plant redesign, capital investment, etc. But in the U.S. context, evaluations of joint committees, at least during the 1980s, are probably more likely to judge success by more moderate achievements.

There needs to be realistic goals for labor-management committees for safety and health. The lack of power and resources which currently characterize these committees cannot be expected to resolve tough safety and health problems. Nor can joint committees, as currently constituted, be the focus of a company's safety and health effort. Determining an appropriate level of decision-making authority and financial resources for these committees will be a challenge to each committee and those responsible for establishing and maintaining it.

If labor-management cooperation is effective in running training programs and increasing worker use and company maintenance of necessary personal protective equipment, that is an important contribution to an overall safety and health program. If a committee can establish workable programs for hazard communication, employee medical screening, and plant monitoring, those too are extremely important contributions to an overall safety and health program.

Some Initial Policy Questions for Joint Committee Formation or for Evaluating an Existing Committee

Joint committees should first establish their own goals and objectives. They might begin by asking themselves the following questions:

— What should be the scope of rights and responsibilities of the committee?

— What should be the scope of rights and responsibilities of committee members?

— What assurances should be provided to be sure that employer and employee rights are not undermined?

— How should committee members be selected?

— How should committee recommendations be handled?

— What procedures can be used to reconcile differences?

— What kind of relationship should there be between the committee members and the company's safety and health professionals?

— What mechanisms need to be established so that committee members have access to company safety and health information; i.e., identity of hazardous substances, monitoring data, and medical records of employees?

— How does a plant labor-management committee interface with a corporatewide committee, industrywide committee, or areawide committee, where those other committee structures exist?

— How does the mandate of this committee differ from a quality-of-work-life committee, quality circle program, union safety committee, or union grievance procedure, if any of those activities are ongoing in the company?

The committee should not focus on everything. Focusing on things that work is probably the best approach for building a better cooperative relationship. And, attention to building a joint committee structure that makes more things work, recognizing that there are some especially difficult issues that may not be well-suited to the committee structure, should also be a high priority.

Chapter 7

Guidelines for Successful Labor-Management Committees for Safety and Health

There are at least three necessary commitments for underpinning any promotion of effective joint labor-management committees for safety and health. The first is a high level of management commitment to solving safety and health problems in the workplace. The second is the commitment of both the employer and employees to cooperative problem solving. The third is a commitment by OSHA to aggressively enforce occupational safety and health regulations.

Beyond these commitments of attitude, at least three sequential questions should be answered in the process of planning for the creation or redirection of a joint committee:

1. Is the committee meant to be consultative or is it, in addition, expected to take actions?
2. Based on the answer to the first question, what functions is the committee expected to perform? (See Chapter 3 for details and possible choices.)
3. What structure best meets the committee's needs for purpose and function as expressed above? (See Chapter 2 for details and possible choices.)

Many types of joint committees for occupational safety and health exist throughout the U.S. Workplaces vary from small industrial nonunion shops to large, organized office enterprises. Committees exist in the private and public sectors. They display a great diversity in function and structure. If there is any guideline that this paper promotes, it is the need to define what is expected of the committee and to provide it with a structure and functions suitable to meet those expectations. Investigating accidents without full access to information or providing recommendations on technical safety and health issues, without adequate training of committee members or access to committee-chosen consultants, serves no one's interest and wastes valuable time and resources. If committees are expected to directly impact the injury and illness statistics of a company,they need to be empowered. If they are not empowered to act, there is still much that they can accomplish, but the expectations of both parties should be adjusted accordingly.

All Types of Joint Committees Can Be Effective as Part of an Overall Program to Promote Occupational Safety and Health

Just what is meant by "effective" or "successful"? Certainly, if one can point to joint committee actions as the cause of lowered injury and illness rates, one can claim success. And, if a joint committee is an integral part of a comprehensive, multi-faceted effort that improves safety and health, then one can claim success. But, what if the committee structure opens lines of communication but makes no changes in workplace injuries and illnesses? Is that a success? What if some changes in daily operations are made which enhance safety and health, but there is no evidence of improved injury and illness statistics? Suppose the safety and health improvements cannot be proven to have had an effect on incidence rates, but have improved employee morale and lowered anxiety over workplace hazards?

Committees need a structure, perhaps better termed an "infrastructure," which provides a strong foundation for difficult problem solving. Beyond the three commitments discussed above, such structures include: paid working time for all committee-related work done by committee members; job security for plant employees should they have suggestions that might otherwise eliminate the need for some labor function; resources to spend, especially for technical consultants; and full disclosure and access to company records on the identity of hazardous substances, monitoring data, and OSHA and/or state inspection reports.

Committees need the authority to red tag hazardous equipment and to stop the line in cases of imminent danger. They need the authority to call in OSHA and also to call in technical consultants of their choice. They must receive education and training on paid working time.

Many have argued that the joint committee should have responsibility for hiring and firing the company doctor, a right of Swedish joint labor-management committees for safety and health. When employees are represented by a union, assurances of union security and working out any potential union liability problems, as well as the relationship between the committee and the formal grievance procedure, are extremely important.

Joint labor-management efforts need not focus on committees. There is, of course, in organized plants, the labor-management activities that center around the bargaining table and the negotiation of a contract. Union safety committees with formal liaisons with management are another version of joint activity that has been very functional in many settings. In addition, special joint labor-management agreements, such as the one between Asarco and the United Steelworkers of America, can improve plant safety and health.

One strategy is for committees to have modest goals and, therefore, to succeed at cooperation. While this strategy is deserving of serious consideration, especially at the beginning of joint labor-management work on safety and health, there will always be the necessity for worker representatives to put serious hazards before the committee. Nonresolution of these most serious concerns will always undermine a joint committee that has little if any independent power.

Chapter 8

Future Trends

Do labor-management committees for occupational safety and health have a future? Yes.

Are they likely to be the major mechanism for resolving safety and health problems in the workplace? No. Not unless they have significantly more power in the future than they do now.

Labor-management committees for occupational safety and health have an important role to play in the overall efforts to provide safe and healthful workplaces for all working men and women. As currently structured, however, their role will most often be limited to solving such problems as: access to information, plant monitoring, medical surveillance, training, housekeeping, and use of personal protective equipment. Resolving problems that require reorganization of a worksite, redesign, or investment in capital requires a committee structure with significantly more authority than most in existence in the United States today.

There are no pat answers as to what will work in any one company or plant. The only real guidelines, according to one group of experts, are "experience and judgment—and a healthy dose of sensitivity."[1]

There should be no expectations for a major revolution in the safety and health arena as a result of joint labor-management committees for safety and health. Given the traditional mistrust between labor and management in the United States, the prospects for rapid widespread adoption of a cooperative approach are not favorable.[2]

What Accomplishments Have Joint Committees Had to Date?

According to a national survey conducted by the American Center for the Quality of Work Life during 1984, the existence of labor-management committees for safety and health can be associated, if not credited, with several important accomplishments:[3]

— Where union-management or employee-management safety and health committees exist, respondents rated their organizations as having more concern for safety and health issues than did those respondents from organizations not having joint committees. The one exception was small unionized private-sector organizations.

— Where labor-management committees exist, the senior-level manager is seen to play a far more active role in organizations lacking a joint committee.

— Where labor-management committees exist, 70 percent of the respondents rated their committees as effective in identifying hazardous conditions (but only 42 percent thought the committees were effective in reducing accidents and injuries).

— Half of the respondents from organizations with joint committees felt that their committees had the authority to implement recommendations of their own, but less than one-fourth had a budget to implement recommendations on their own.

— Over 95 percent of the respondents from organizations with joint committees stated that the joint committee had increased their satisfaction with how safety and health matters are addressed. And, an equally high percentage recommended the joint committee approach to other organizations.

A reduction in injuries or illnesses, however, was not cited as an accomplishment.

A report by the Business Roundtable, along with statistics from the Bureau of Labor Statistics, did find that in cooperative safety and health programs in construction there was a 40 percent reduction in injuries and a 20 percent increase in productivity. Twelve cooperative programs saved $44 million, returning $44 for every $1 spent on the program, and produced an average savings of $3,670,000 per project.[4] Besides the direct savings, other savings were attributed to lower workers' compensation costs, greater employee morale, increased production, less administrative time for investigations and reports, decreases in equipment and property damage, and a reduction of third-party liability claims against the owner.[5]

Clearly, there is a role for joint labor-management committees. With strengthened structures and greater discretion over budget, investigations, watchdog functions, and selection of health and safety professionals in the plant, these committees could accomplish far more. The question is whether or not the parties involved are willing to expend the time, money, and energy required to expand labor-management functions in the safety and health area and whether some of the legal concerns over union liability can be resolved. Further power and discretion for these committees is occurring with General Motors and the United Auto Workers. Perhaps the world of work in the United States should pay careful attention to what that institutional structure is able to accomplish, and then determine how such committee powers, and others, might be translated into action in their industry.

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[1] U.S. Department of Labor, Bureau of Labor-Management Relations and Cooperative Programs, "Wintergreen Symposium Report," BLMR 101, 1986, p. 9.

[2] Batt and Weinberg, p. 104.

[3] American Center for the Quality of Work Life, "A Few Highlights From the Preliminary Findings of a National Occupational Safety and Health Survey Conducted by the American Center for the Quality of Work Life in April 1984."

[4] Building and Construction Trades Department, AFL-CIO, "Labor/Management Cooperative Safety and Health Programs with Oversight and Jobsight Committees and National Trust Fund for Training, Education, and Research in Construction Safety and Health," inside front cover.

[5] Ibid., p. 3.

Appendix

Sample Contract Language and Examples

General Language

—Two union-two employer committee handles all safety and health problems

A safety committee shall be established. The Committee shall be composed of four (4) representatives, two (2) each from the Union and two (2) from the Company. The Committee shall handle safety matters in connection with the Plating Division. The safety committee may shut down a machine or operation which a majority of the committee (a quorum shall be four [4] members) agrees is unsafe. (Superior Plating, Inc., and Electrical Workers [IUE]; exp. 9/78)

—Joint union-employer safety committee

A Safety Committee consisting of three (3) employees designated by the Union and three (3) management members designated by the Company shall be established. The Union and the Company shall designate their respective Co-Chairman and shall certify to each other, in writing, such Co-Chairman and Committee members. The Committee shall hold monthly meetings at times determined by the Co-Chairmen who may also agree to hold special meetings, preferably outside of regular working hours. Each Co-Chairman shall submit a proposed agenda to the other Co-Chairman at least five (5) days prior to the monthly meeting. The Company Co-Chairman shall provide the Union Co-Chairman with a copy of the minutes of the monthly meeting. Prior to such monthly meeting, the Co-Chairmen or their designated representatives shall engage in an inspection of mutually selected areas of the Plant. Before the monthly meeting is held, a report of the inspection shall be prepared by the Company which shall include unsafe conditions and practices observed during the inspection. A copy of the report shall be furnished to the Union Co-Chairman. (United Steelworkers of America and Kaiser Steel Corp.; exp. 3/1/74)

Pay for Safety Committeemen

—Compensation for time lost

. . . Bargaining unit employees shall be compensated for time lost from their regular shift to attend the scheduled monthly meetings of the [Safety] Committee. . . .(Joseph Schlitz Brewing Company and Teamsters; exp. 5/85)

—Varies according to job classification

. . . Union members of the Health and Safety Committee will be paid for such meetings, plant tours, and joint investigations. In addition, an employee who is requested by a safety inspector from the Occupational Safety and Health Administration and is designated by the Local Union President to accompany the inspector on inspection tour will be paid for the time lost from his regular scheduled shift as a result of such plant inspection.

(1) An hourly rated employee shall be paid his hourly rate.

(2) An employee working on incentive shall be paid his average paid unit hour at the base rate of his regular job.

(3) An employee working under an applicable learner's schedule shall be paid the appropriate learner's rate or his average paid unit hour, whichever is the higher. (The BF Goodrich Company and Rubber Workers; exp. 4/85)

—At straight-time hourly rate; maximum two hours per month

Union members of the Health and Safety Committee will be paid at their regular straight-time hour rate for time lost from their scheduled shift because of attendance at the monthly Health and Safety Committee meeting, up to a maximum of two (2) hours per month. . . (The Babcock & Wilcox Company and Boilermakers; exp. 7/85)

—At straight-time hourly rate; maximum four hours per week

. . . The lost time and expenses of the [safety committee] representatives of the Union will be borne by the Company at four (4) hours per each member per week at the employee's straight-time average hourly earnings rate. (The General Tire and Rubber Company and Rubber Workers; exp. 7/86)

—Up to three hours pay for attending each monthly meeting

The Company shall pay the Union members of the Safety Committee for time lost from work up to the maximum of three (3) hours each for attending each monthly meeting; such pay shall be at his regular hourly rate. . . . (Harris Metals, Inc. and Boilermakers; exp. 2/85)

Composition of Safety Committee

—Three company representatives and three union representatives

Joint Health and Safety Committees shall be appointed at each plant consisting of not more than three (3) employees representating the Company and not more than three (3) employees representing the Union. (The BF Goodrich Company and Rubber Workers; exp. 4/85)

—Three members of bargaining unit together with appropriate company officials

The Company recognizes the principle of a Joint Safety Committee. The Joint Safety Committee shall be composed of three (3) members of the Bargaining Unit (one of whom will be assigned from the night shift) together with appropriate Company officials for the purpose of providing a safe working environment for all employees. . . . (Ametek, U.S. Gauge Div. and Machinists; exp. 9/84)

—Four men representing the union and four representing the company

The Safety Committee shall consist of four (4) men representing the Union and four (4) men representing the Company. One of the members representing the Union shall be the Chairman of the Grievance Committee, and the Union

shall select a second, third, and fourth representative. One of the members representing the Company shall be the Safety Supervisor, and the Company shall select a second, third, and fourth representative. (The General Tire and Rubber Company and Rubber Workers; exp. 7/86)

—Five union and five company employees, including the safety director

There shall be a Safety and Health Committee consisting of five (5) Union and five (5) Company employees (including the Safety Director). . . . (Providing Gas Company and Steelworkers; exp. 1/86)

—Like number of union and management members, each union entitled to at least one representative

A Joint Safety Committee, composed of a like number of Union and Management members, shall meet once a month to discuss safety problems and tour Company facilities. . . . At all times, there will be no more than five (5) Union members on the Joint Safety Committee. Each Union will be entitled to at least (1) representative. . . . (A-T-O, Inc., American LaFrance Div. and Painters, Machinists, Sheet Metal Workers, Carpenters, and Office and Professional Employees; exp. 4/85)

—Eight company members and eight union members

The Union and the Company shall establish a Joint Safety and Health Committee composed of eight (8) members from the Company and eight (8) members from the Union, four (4) members from the Surface and four (4) members from the Mine. (Homestake Mining Company and Steelworkers; exp. 5/86)

—Ten representatives appointed by union and six appointed by company

The Safety Committee shall be divided into two (2) sections, one in the Main Plant and one in the Foundry and shall be composed of ten (10) representatives appointed by the Union and six (6) representatives appointed by the Company. The Union shall designate two (2) members from each shift from the Main Plant and two (2) members from each shift in the Foundry. One (1) of the ten (10) Union representatives shall be designated by the Union as the Union Safety Director. (Ingersoll-Rand Company and Electrical Workers [IUE]; exp. 5/85)

—Equal company-union representation; safety engineer serves as chairman

The Union will cooperate with the Company in encouraging Employees to observe all safety regulations prescribed by the Company and to work in a safe manner. To that end, a Safety Committee shall be established to be composed of three representatives of the Company and three representatives of the Union. The Employees on such committee shall be recognized by the Company on written notification by the Union. The Employees appointed by the Union shall be selected from those who have worked there a minimum of one year.

The safety engineer shall serve as chairperson of the safety committee. (Norfolk Shipbuilding and Drydock Corporation and Boilermakers; exp. 11/84)

—Includes two members appointed by union to serve on rotating basis

. . . the Plant Safety Inspection Committee shall include two (2) members appointed by the Union to serve on a rotating basis for terms of one (1) year. (Hercules, Incorporated, and Paperworkers; exp. 7/84)

—Includes two alternating union representatives

The Plant Safety Committee shall include two alternating representatives of the Union as members thereof. (American Brands, Inc., American Cigar Div. and Teamsters; exp. 11/84)

- An agreement between Hercules, Incorporated, and the Paperworkers established a joint committee with two union members, but an unspecified number of management members. An agreement between American Brands, Inc., American Cigar Division and the Teamsters also established a joint committee with two union members, but an unspecified number of management members.
- Ingersoll-Rand and the Electrical Workers (IUE) had a committee of equal and specified numbers. A Joint Labor/Management Safety and Health Self-Inspection Agreement signed by Georgia Power Company with the North Georgia Building and Construction Trades Council, AFL-CIO, provides for equal number of representatives.
- A contract between A-T-O, Inc., American LaFrance Division and its five unions (Painters, Machinists, Sheet Metal Workers, Carpenters, Office and Professional Employees) provided for a like number of union and management members. Each of the five unions was entitled to send one representative and five was the maximum number of union members allowed, but five on each side was not mandated.

Committee Leadership

- A contract between Homestake Mining Company and the Steelworkers provided for a member from management to serve as chair of the joint committee. A contract between Norfolk Shipbuilding and the Boilermakers, for example, provided for the company safety engineer to chair the committee. Some committees provided for co-chairs, one from each side. Such was the case with a contract between Kaiser Steel Corporation and the United Steelworkers of America. This is also the practice with the committees set up at the Vogtle and Scherer plants of Georgia Power.
- The GM-UAW contract provides for a national committee and for local committees.
- The AT&T contract with the Communications Workers of America provides for a combination of mandated and voluntary joint committees. At the national level there is a mandated joint committee for safety and health that serves an "umbrella" function for the AT&T system. There are three national joint committees mandated for operating divisions of Western Electric (the manufacturing, sales, and installation groups of AT&T Information Systems). AT&T Communications also has a mandated national joint committee. In addition the 22 regional operating companies of AT&T each have a mandated joint labor-management committee for safety and health. At the local level, joint committees are mandated in Western Electric manufacturing plants and they are voluntary in all other locals.
- Besides the plant-level joint committees that Georgia Power has established with the construction unions at its Vogtle and Scherer plants, a special agreement signed by Georgia Power and the North Georgia Building and Construction Trades Council provides for a Labor/Management Safety and Health Oversight Committee. This committee has five members: the construction project manager, the presi-

dent of the North Georgia Building and Construction Trades Council, the chair of the plant safety committee, the co-chair of the safety and health committee, and the OSHA liaison officer.

Operation of Safety Committee

—Rules of procedure defined

... B) One member from Management shall serve as Chairman of the Joint Committee. One member from Management shall serve as Secretary of the Joint Committee.

C) The Union and the Company shall certify to each other, in writing, their Joint Committee members and their titles.

Section 14. Meetings of Joint Health and Safety Committee:

A) Once each month the Joint Committee shall meet and take up such complaints as may be brought before it by either the Union or the Company representatives.

B) The written report of the prior inspection shall be reviewed.

C) Action by the Company with respect to safety and health recommendations shall be reviewed and the Joint Committee members may indicate their approval or disapproval thereof.

Section 15. Emergency Safety and Health meetings.

A) Emergency meetings of the Joint Committee may be requested by the Union. Emergency meetings of the Committee may be called by the Chairman. Such meetings shall be held within twenty-four (24) hours after such notification, or as otherwise might be mutually agreed to by the parties.

B) The purpose of the meeting shall be to take up matters of safety and health that require immediate consideration and action.

Section 16. Minutes of Safety and Health meetings:

A) Minutes of all safety and health meetings between the Company and the Union shall be prepared by the Company.

B) Copies of the minutes shall be mailed to the Joint committee members, the Local, and the International Representatives, five (5) work days after the date on which the meeting was held.

C) If the Union disagrees with the accuracy of the minutes as prepared by the Company, they shall set forth their reasons for such disagreement in a letter to the Company; and the minutes, except for said disagreement, shall be regarded as satisfactory. Minutes shall conform to the following outline:

1) Date and place of meeting;

2) Names and positions of those present;

3) Description of each safety and health subject discussed;

4) Summary of discussion;

5) Decision reached, if any. (Homestake Mining Company and Steelworkers; exp. 5/86)

—Rules of procedure for submitting suggestions to company

... (b) The safety committee shall meet each and every month at a designated time and place.

(c) Where a majority of the safety committee vote approval of any suggestions to the Company, this shall be considered as a recommendation of the safety committee to the Company. Where the safety committee is evenly divided as to any proposal to the Company, this shall be considered a report and should also be submitted to the Company, but in no event shall the Company be advised as to those voting for or against such proposal.

(d) The safety committee shall submit in writing any recommendation or report concerning safety conditions to the General Superintendent.

(e) The General Superintendent, within a reasonable time, shall, in writing, give an answer to the recommendation or report of the safety committee stating the decision of the Company on such proposal and the action taken, if any.

(f) The Company reserves the right to accept or reject any recommendations. (Norfolk Shipbuilding and Drydock Corporation and Boilermakers, exp. 11/84)

- A contract between A-T-O and five unions provided for monthly meetings, as did contracts between Joseph Schlitz Brewing Company and the Teamsters, Babcock & Wilcox and the Boilermakers, and Harris Metals and the Boilermakers. A contract between Firestone Tire and Rubber and the Rubberworkers provided for meeting "as often as it deemed necessary, but not less than once a month." A contract between Homestake Mining and the Steelworkers provided for emergency meetings "to take up matters of safety and health that require immediate consideration and action"—with meetings requested by the union to be held within 24 hours.

- A contract between Homestake Mining Company and the United Steelworkers of America provided for the following:

  —One member from management shall serve as Secretary of the Joint Committee.

  —Section 16. Minutes of Safety and Health meetings:

  A) Minutes of all safety and health meetings between the Company and the Union shall be prepared by the Company.

  B) Copies of the minutes shall be mailed to the Joint committee members, the Local, and the International Representative, five (5) work days after the date on which the meeting was held.

  C) If the Union disagrees with the accuracy of the minutes as prepared by the Company, they shall set forth their reasons for such disagreement in a letter to the Company; and the minutes, except for said disagreement, shall be regarded as satisfactory. Minutes shall conform to the following outline:

  1) Date and place of meeting;

  2) Names and positions of those present;

  3) Description of each safety and health subject discussed;

  4) Summary of discussion;

  5) Decision reached, if any.

- The 1983 contract between U.S. Steel and the Steelworkers specifically states that committee work performed by union members will be without pay, although time off (without pay) would be allowed:

  Time consumed on committee work by committee members designed by the Union shall not be considered hours worked to be compensated by the Company. ... The Union co-chairman or his designee will be afforded time off without pay as may be

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required to visit departments at all reasonable times for the purpose of transacting the legitimate business of the committee. . . .

• A contract between Joseph Schlitz Brewing Company and the Teamsters provided compensation for time lost by union committee members from their regular shift to attend the scheduled monthly meetings of the committee. A contract between Babcock & Wilcox Company and the Boilermakers provided for compensation for committee meetings, but for a maximum of two hours per month. A contract between Harris Metals and the Boilermakers provided for compensation at one's regular hourly rate for up to three hours a month. An agreement between General Tire and Rubber and the Rubber Workers provided for lost time and expenses of safety committee representatives of the union (not specifically limited to joint committee meetings) at straight-time average hourly earnings for four hours per member per week. The contract between B.F. Goodrich and the Rubber Workers provided for compensation based on job classification, and compensable activities include not only joint meetings, but also plant tours and joint investigations. The same clause of the Goodrich-Rubber Workers contract also provided for compensation for an employee who is requested by an OSHA inspector and designated by the Local Union President to accompany the inspector on a plant tour.

• The current GM-UAW contract provides for straight-time hours to be authorized for union local joint committee work based on the number of employees in the local. If the local has 500–599 employees, the committee members are allowed 8 compensable hours per week. If there are 600–10,000 employees, the local is permitted one full-time health and safety representative. If there are more than 10,000 employees, the local is permitted 2 full-time health and safety representatives.

• The 1983 contract between U.S. Steel and the Steelworkers addressed the access to records issues with specific language:

> Upon request of the Union co-chairman of the safety and health committee, the Company shall provide in writing requested information from material safety data sheets or their equivalent on toxic substances to which employees are exposed in the workplace. . . . Where the Union co-chairman of the safety and health committee alleges a significant on-the-job health hazard due to in-plant air pollution or noise, the Company will also make such additional tests and investigations as are necessary and shall notify the Union co-chairman of the safety and health committee when such a test is to take place. A report based on such additional tests and investigations shall be reviewed and discussed with the safety and health committee. For such surveys conducted at the request of the Union co-chairman of the safety and health committee, a written summary of the sampling and testing results and the conclusions of the investigation shall be provided to the safety and health committee.

• A labor-management committee at Pacific Northwest Bell, with the Communications Workers of America (CWA), in the early 1980s, focused on educational program activities and was responsible for the development of audio-visual materials. The script for an audio-visual about ergonomics related to video display terminals (VDTs) was written by a national safety and health representative of the CWA and then reviewed by both labor and management. The union paid for the material and the company provided for its used in the workplace. The effort included both a QWL committee and union safety committee. The audio-visual work helped spur the labor-management committee to other activities, including redesign issues related to VDT use.

• GM-UAW agreement language reads:[1]

> This National Committee shall:
> . . .Develop and recommend to the Corporation an appropriate training program to be established for Union members of the Local Joint Committees on Health and Safety. Annual training programs agreed to by the National Committee will be provided to the Local Joint Committee so that they may perform their functions satisfactorily. In addition, they will receive specialized training appropriate to the operations in their respective units. The National Health and Safety Committee will be provided the opportunity to review and participate in such training or instruction programs and make necessary and desirable recommendations.

• The Labor/Management Safety and Health Oversight Committee for Georgia Power and the North Georgia Building and Construction Trades Council has as one of its functions to "ensure the training of committee members in the recognition, avoidance, and prevention of safety and health hazards."[2]

• A joint labor/management safety and health self-inspection agreement was signed at two Georgia Power Company plants, Vogtle and Scherer, with Georgia Power and the North Georgia Building and Construction Trades Council, AFL-CIO as the signatories. The agreement calls for monthly inspections by at least one management and one labor representative, with the inspection results posted at the job site and the committee setting appropriate correction time for each hazard noted.

• Investigation and handling of safety complaints is one of the functions of the joint labor-management committees set up in the mechanics' agreement between United Airlines and the International Association of Machinists. In the current agreement between the U.S. Postal Service and the American Postal Workers Union, committee members' roles in formal investigations is specified as follows:

> Where an investigation board is appointed by a Regional Postmaster General or a District Manager to investigate a fatal or serious industrial non-criminal accident and/or injury, the appropriate Union at the installation will be advised promptly. When requested by the Union, a representative from the local Safety and Health Committee will be permitted to accompany the board in its investigation.

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[1] Building and Construction Trades Department, AFL-CIO, "Labor-Management Cooperative Safety and Health Programs with Oversight and Jobsite Committees and National Trust Fund for Training, Education, and Research in Construction Safety and Health," p. 3.

[2] Georgia Power, "Joint Labor/Management Safety and Health Self-Inspection Agreement for Plant Scherer," p. 10.

• In the current GM-AUW memorandum of understanding, local joint committees are charged with review of lost-time accidents, other major accidents, those that do not result in lost time, and also the review of plant safety reports on such accidents to make any neccessary or desirable recommendations.

• A contract between the Ithaca Gun Company, Inc., and the Machinists is just one example. It is stipulated that "A Company-Union safety committee will be maintained to correct and prevent hazardous situations."

• Local joint labor-management committees at General Motors facilities, among other things, are responsible for "review[ing] and recommend[ing] local safety education and information programs and employee job-related safety training."[3] The National Joint Committee on Health and Safety is responsible for "develop[ing] and recommend[ing] to the Corporation guidelines for employee training and education."

• The UAW suggested language reads:[4]

> Accompany government inspectors, Company personnel, consultants acting for the Company, and International Union Health & Safety Professionals on all surveys of the plant and participate in these inspections. This includes participation in any measurements of worker exposure to potentially toxic materials and physical agents (such as noise).
>
> When either member of the Local Committee has a reasonable basis for concluding that a condition involving imminent danger exists, relevant information shall be immediately communicated to the co-committee member so that joint investigation can be carried out immediately and necessary or desirable recommendations made. Upon joint agreement, the machine or operation may be taken out of service to perform any and all corrective action.

Issues Unresolved by Safety Committee

—May be referred to regular grievance procedure

. . . Differences arising between the members of the Committee regarding the practices of safety and the conditions of sanitation may be referred to the regular grievance procedure for adjustment. . . . (The General Tire and Rubber Company and Rubber Workers; exp. 7/86)

—May be referred to grievance procedure at step preceding arbitration

Differences not resolved within the Committee regarding health, sanitation, and safety problems may be referred to the grievance procedure at the step preceding arbitration for adjustment. Members of the Health and Safety Committee will be permitted to attend grievance meetings regarding such problems. (The BF Goodrich Company and Rubber Workers; exp. 4/85)

—There shall be no right to arbitration

Health Committee—Employers shall maintain clean, safe, and properly ventilated plants, the Union to have the right to refer any complaint concerning such matters in a plant to a Joint Committee of the Association and the Union. In the event of lack of agreement there shall be no right to arbitration. (The Metropolitan Lithographers Association, Inc., and Graphic Arts Union; exp. 6/84)

—May proceed to arbitrate

SECTION 10. The Union will cooperate with the Company in supporting and encouraging employees to observe all safety regulations prescribed by the Company and to work in a safe manner.

SECTION 11. Any grievance submitted under this section shall first be submitted through the Safety Committee and shall contain a specific reference as to the particular OSHA standard which is alleged to have been violated. The Company may refuse to accept any grievance which does not meet this condition. The acceptance and discussion of a grievance that does not contain such information shall not preclude the Company from subsequently claiming this procedural defect.

SECTION 12. Nothing contained herein shall affect the rights of employees to file complaints directly with a governmental agency with jurisdiction with respect thereto but the Company and Union agree to use their best efforts to encourage employees to first utilize this procedure in the event that complaints arise. The Union agrees that this procedure shall be the exclusive remedy for any complaint it has and it further agrees not to directly or indirectly file complaints with any governmental agency.

SECTION 13. In the event that a grievance arising under this section proceeds to arbitration, the arbitrator shall be bound by and shall limit his award to an interpretation of the Occupational Safety and Health Act, the OSHA standards promulgated thereunder, and the decisions of the courts and Occupational Safety and Health Review Commission interpreting said Act and standards. (GTE Products, Incorporated, Walmet Div. and Steelworkers; exp. 10/85)

• A contract between Barber-Greene Company and the Machinists, for example, called for a Safety Board consisting of the grievance committee of the union and company representatives to study safety performance and then recommend plantwide programs and standards.

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[3] "Agreement Between General Motors Corporation and the UAW," September 21, 1984, Memorandum of Understanding: Health and Safety, Document No. 7, p. 277.

[4] UAW, p. 26.

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